

JOURNAL
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SENATE
SESSION OF 1990

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STATE OF NEW HAMPSHIRE

SPECIAL SESSION

December 14, 1989

The Senate met at 2:00 p.m.
A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we pray for the soul of our Clerk, Wilmont White, who will be greatly missed by this august body.

Let us open our eyes to the opportunities which shall be presented today! Remember what we do unto others (the rate payers) shall be done unto us!

Happy Hannukah, Merry Christmas and Happy New Year! God bless.

Amen

Senator St. Jean led the Pledge of Allegiance.

Senator McLane was excused for the day.

INTRODUCTION OF GUESTS

ROLL CALL OF THE SENATE

The Clerk called the Roll which showed the following Senators present as follows: Bond, King, Heath, Freese, Hough, Dupont, Currier, Disnard, Roberge, Blaisdell, Bass, Magee, Nelson, Charbonneau, Podles, Johnson, Stephen, Bartlett, St. Jean, Torr, Delahunty, Preston and Krasker.

There were 23 members present.

COMMUNICATION FROM GOVERNOR

WHEREAS, the welfare of the people of the State of New Hampshire requires the reconvening of the General Court for the purpose of enacting legislation to resolve and settle the bankruptcy of Public Service Company of New Hampshire; and

WHEREAS, the Executive Department in calling such a session intends an agenda limited to the Public Service Company of New Hampshire bankruptcy issue;

NOW THEREFORE, the Governor and Council, on motion duly seconded, hereby exercise their executive legislative authority under Part 2, Article 50, of the New Hampshire Constitution and summon the General Court to reconvene in Special Session at 11:00 a.m. on December 14, 1989.

Judd Gregg
Governor

HOUSE MESSAGE

The House of Representatives has been called to Special Session by the Governor and Council and is assembled and ready to proceed with the business of the 1989 Special Session.

RESOLUTION

Senator Dupont offered the following Resolution:

Resolved, that the House of Representatives be informed that under the authority of the call of a special session by the Governor and Council the Senate has assembled and is now ready to proceed with the business of the 1989 Special Session.

Adopted.

RESOLUTION

Senator Dupont offered the following Resolution:

A resolution legalizing, ratifying, approving and confirming the action taken by the Joint Rules Committee in granting approval for drafting, pre-printing, and introducing bills, and joint resolutions and to include the holding of all hearings as printed in the Calendar of the Senate.

Adopted.

RESOLUTION

Senator Hough offered the following Resolution:

Resolved, that the Rules of the Senate of the 1989 Session of the General Court be continued as the Rules of the Senate for the 1989 Special Session, as amended, copies of which are in the hands of members of this Body.

RULES OF THE SENATE

1. Determination of quorum; correction of Journal.
2. Members, decorum of
3. Members, conduct when speaking
4. Members not to speak more than twice.
5. President shall recognize whom.
6. Questions of order, appeal.
7. Member, absenting himself.
8. Motions, order of preference.
9. Questions postponed indefinitely not acted upon in same biennium.
10. Questions, when divided.
11. Objections to reading paper, how determined.
12. Roll-Call, everyone must vote.
13. Galleries, clearing of.
14. Reconsideration, motion for.
15. Petitions, introduction of.
16. Bills; shall be numbered and expressed clearly.
17. Bills, introduction of.
- 17-A (a) Bills, deadlines for drafting.
- 17-b Bills, deadlines for information
- 17-c Final deadline
18. Resolutions to be treated as bills
19. Bills shall have three readings; progress of; time for second and third readings.
20. Bills, printing and distribution.
21. Bills amended only on second reading; filing of amendments.
22. Public hearings to be held and advertised.
23. Amended bills, printed, distributed and disposed of.
24. Appropriating money, to whom referred.
25. President to sign bills, etc.
26. Committees, appointment of.
27. Standing Committees.
28. Messages sent to House.
29. Messages, when received.
30. Voting; division of Senate.
31. Visitors to Senate.
32. Hours of meeting.
33. Rules of Senate, how rescinded.
34. Rules of Senate, how suspended.
35. Committee of the whole.
36. President may name member to chair.
37. Senate staff; composition and duties.
38. Senate staff; days of employment.
39. Committees, reports and meetings
40. Appeal, presiding officer ruling.
41. Motions, no substitution under color of amendment.
42. Conflict of interest.
43. Committee of Conference reports
44. Personal privilege.
45. Requisition Approval Required.
46. Fiscal notes, requirements.

Please note changes are in two (2) rules 14 and 17

SENATE RULES

1. The President, having taken the chair, shall determine a quorum to be present. Any erroneous entry in the daily journal shall be corrected no later than the third succeeding legislative day, and the permanent journal corrected one week after the permanent journal copy is placed in the hands of the Senate.
2. No member shall hold conversation with another while a member is speaking in debate.
3. Every member, wishing to speak, shall address the President and when he has finished shall, if having risen to speak, then sit down.
4. No member shall speak more than twice on the same question on the same day without leave of the Senate.
5. More than one member rising to speak at the same time, the President shall decide who shall speak first.
6. If any member transgresses the rules of the Senate, the President shall, or any member may, call him to order; in which case the member so called to order shall immediately cease and desist, and the Senate, if appealed to, shall decide the case. But if there is no appeal, the decision of the President shall be conclusive.
7. No member shall absent himself without permission from the Senate.
8. When any question is under debate, no motion shall be received but first, to adjourn; second, to lay upon the table; third, for the previous question; fourth, to postpone to a certain day; fifth, to commit; sixth, to amend; and seventh, to postpone indefinitely; which several motions shall have precedence in the order in which they are so arranged. Motions to adjourn, to lay upon the table, for the previous question, and to take from the table shall be decided without debate. Motions to postpone to a certain day shall be debatable both as to time and subject matter. No motion to postpone indefinitely, to postpone to a certain day, or to commit, being decided, shall be in order at the same stage of the bill or resolution, until after adjournment.
9. A question which is postponed indefinitely shall not be acted upon during the biennium except whenever two-thirds of the whole number of elected Senators shall, on division taken, vote in favor thereof.

Any bill which is indefinitely postponed shall not be reintroduced under cover of an amendment to the general appropriations (budget) bill. No motion to suspend this rule shall be permitted.

10. Any member may call for a division of the question when the sense will admit it. Unless otherwise specifically provided for, a majority of those present and voting shall be required to pass any vote.

11. When the reading of a paper or document is objected to by a member, the question shall be determined by a vote of the Senate; and without debate.

12. When the yeas and yeas have been moved by a member and duly seconded by another member, each member present shall declare his assent or dissent to the question, unless for special reason he be excused by the Senate. The names of the persons so making the motion and the second shall be recorded in the Journal. A member who is to be absent when the yeas and yeas are required may pair his vote with another member, to be present or also to be absent, who intends to vote on the opposite side of the question. Pairs shall be permitted only if the yeas and yeas are taken on such question. Both members shall file such pair in writing with the Clerk before the question is put. In all cases of pairing, the vote of neither member shall be counted in determining the result of the roll call; but the Clerk shall announce all pairs and enter them in the Journal. The President shall determine the order to the roll call.

13. In case of any disturbance or disorderly conduct in the gallery, the President shall have the power to order the same to be cleared. The Chairman of the Committee of the Whole may restrict attendance to the duly elected Senators.

CHANGES IN THE FOLLOWING RULE ARE IN BOLD PRINT. DELETIONS ARE UNDERScoreD:

14. No vote shall be reconsidered, unless the motion for reconsideration be made by a member who voted with the prevailing side, nor unless the notice of such motion be given to the Senate in open session prior to adjournment on the same day on which the vote as passed, ****DELETE ALL UNDERScoreD WORDS**** or on the next day on which the Senate shall be in session within one half hour after the convening of the early session, and any such notice of reconsideration shall be effective for three legislative days only **shall**

be in acted upon before the end of that legislative day. and thereafter shall be null and void.

14 (a) Reconsideration of any bills subject to a transfer date established by joint rules must be acted on or before the joint rule deadline, and thereafter shall be null and void.

15. Before any petition shall be received and read, a brief statement of the contents thereof shall be made by the member introducing the same.

16. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced in the Senate shall be endorsed with the name of the Senator presenting them, and with the subject matter of the same. Every bill shall be marked on the first page "Senate Bill" and numbered serially; every joint resolution shall be marked "Senate Joint Resolution" and numbered serially; every concurrent resolution proposing a constitutional amendment shall be marked "Concurrent Resolution Proposing a Constitutional Amendment" and numbered serially; and every other concurrent resolution shall be marked "Senate Concurrent Resolution" and numbered serially, as each bill or resolution is introduced into the Senate.

CHANGES IN THE FOLLOWING RULE ARE IN BOLD.
DELETIONS ARE UNDERSCORED:

17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee, **provided that no bill shall have a public hearing until it is** ****DELETE ALL UNDERSCORED WORDS.**** formally introduced into the Senate printed and available for distribution. The President shall take up all bills and resolutions for introduction at the early session.

****DELETE ALL UNDERSCORED WORDS ****

17-A (a) No request by a member of the Senate for drafting a bill or a joint resolution, other than the general appropriations (budget) bill or the capital budget bill, shall be accepted by Legislative Services for processing unless the subject matter of the legislation has been filed with Legislative Services no later than Wednesday, December 7, 1988.

(b) The Office of Legislative Services shall not draft a Senate bill or joint resolution, other than the general appropriations (budget) bill or the capital budget bill, unless the complete information necessary for drafting such a bill or joint resolution is submitted to Legislative Services not later than 5:00 p.m. on Wednesday, December 21, 1988.

(c) Every Senate bill and joint resolution, other than the general appropriations (budget) bill or the capital budget bill, must be signed off in Legislative Services by 5:00 p.m., on Tuesday, January 3, 1989.

(d) Notwithstanding the provisions of 17 (a), (b), and (c), a Senate bill, Senate joint resolution, or Senate concurrent resolution may be accepted by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Joint Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

18. All resolutions which may require the signature of the Governor shall be treated in the same manner as bills.

19. Every bill shall have three readings in the Senate previous to its passage. The first and second readings shall be by title only which may be accomplished by a conglomerate resolution, after which the bill shall be referred by the President to the appropriate committee and shall be printed as provided in Rule 20, unless otherwise ordered by the Senate. No bill after it has been read a second time shall have a third reading until after adjournment from the early session. The time assigned for the third reading of bills and resolutions shall be in the late session unless otherwise ordered by the Senate. The orders of the day for the reading of bills shall hold for every succeeding day until disposed of.

20. After every bill shall have been read a second time, and referred by the President to the appropriate committee, the Clerk shall procure a sufficient number of copies, printed on paper of uniform size, for the use of the legislature, and cause the same to be distributed to the members, and when printed the bill shall be immediately delivered to the committee to which it shall have been referred. Bills received from the House shall be printed at the same stage of their procedure unless they have been printed in the House and copies distributed in the Senate, in which case any amendment made by the House shall be duplicated and distributed in the Senate.

21. No amendment shall be made but upon the second reading of a bill; and all amendments to bills and resolutions shall be in writing, with the name of the Senator and the district he represents thereon.

No amendment to any bill shall be proposed or allowed at any time or by any source, including a committee of conference, except it be germane. Amendments shall have been reviewed by the Office of Legislative Services for form, construction, statutory and chapter reference.

22. A hearing shall be held upon each bill referred to a committee, and notice of such hearing shall be advertised at least five days before hearing in the Senate Calendar.

23. When a bill is reported favorably with an amendment, the report of the committee shall state the amendment, and then recite the section of the bill in full as amended. The amendment shall be printed in the calendar of the Journal on the date that the report is listed for action. If no action is taken on that day, then the amendment shall be printed on the day to which the bill has been referred. All bills reported shall be laid upon the table and shall not be finally acted upon until the following legislative day, and a list of such bills with the report thereon shall be published in the Journal for the day on which action shall be taken.

24. Every bill and joint resolution appropriating money, which has been referred to another committee and favorably accepted by the Senate, shall be committed to the Committee on Finance for review. If any such bills have been referred jointly to the Committee on Finance and another standing committee, the Committee on Finance may report separately and a further public hearing may be held at the discretion of the Committee on Finance. All bills appropriating money, which are referred to the Committee on Finance may have only one hearing.

25. All warrants, subpoenas and other processes issued by order of the Senate shall be under the hand and seal of the President attested by the Clerk.

26. All committees of the Senate, including Senate members on committees of conference, shall consist of members of both parties as nearly equal as possible, provided that on all committees, both parties shall be represented. The President shall appoint the members of all committees, after consulting with the minority leader.

27. The standing committees of the Senate shall be as follows: The Committee on Finance, Committee on Capital Budget, Committee on Ways and Means, Committee on Education, Committee on Internal Affairs, Committee on Interstate Cooperation, Committee on Public Institutions, Health and Human Services, the Committee on Transportation, Committee on Executive Departments, Committee

on Development, Recreation and Environment, Committee on Judiciary, Committee on Banks, Committee on Insurance, Committee on Public Affairs, and the Committees on Rules and Resolutions, Journal, and Enrolled Bills.

28. Messages shall be sent to the House of Representatives by the Clerk of the Senate.

29. Messages from the Governor or House of Representatives may be received at all times, except when the Senate is engaged in putting the question, in calling the yeas and nays, or in counting the ballots.

30. All questions shall be put by the President, and each member of the Senate shall signify his assent or dissent by answering yea or nay. If the President doubts, or a division is called for, the Senate shall divide. Those in the affirmative on the question shall first rise from their seats and stand until they be counted. The President shall rise and state the decision of the Senate.

31. No person except members of the executive, or members of the House of Representatives and its officers, shall be admitted to the floor of the Senate, except by the invitation of the President, or some member with his consent.

32. The Senate shall adjourn to meet on the subsequent legislative day for the early session at the time mentioned in the adjournment motion. The late session shall immediately follow the early session unless the Senate shall otherwise order.

33. No standing rule of the Senate shall be suspended unless two-thirds of the members present vote in favor thereof. This rule shall not apply to Senate Rule 9.

34. No rule shall be rescinded unless two days notice of the motion has been given and two-thirds of those present vote therefor.

35. The Senate may resolve itself into a Committee of the Whole at any time on motion made for that purpose; and in forming a Committee of the Whole, the President shall leave the chair, and appoint a chairman to preside in committee.

36. The President when performing the duties of the Chair may, at any time, name any member to perform the duties of the Chair.

37. The staff of the Senate shall be comprised of a clerk, an assistant clerk, a sergeant-at-arms, and a door-keeper who are to be elected by the Senate, and such other personnel as the President shall ap-

point. The President shall define the duties of all members of the Senate staff which are not fixed by statute or otherwise ordered by the Senate.

38. Each member of the staff of the Senate shall be available on call to carry out the work of the Senate.

39. The committees shall promptly consider and report on all matters referred to them. The President may authorize such committees having a heavy load of investigation, redrafting, research or amendments to meet as needed on non-legislative days during the legislative session. The Clerk of the Senate shall prepare a list by number, title and sponsor of all Senate bills and resolutions in committee which have not been acted upon within one week before the deadline established for the transfer of bills and resolutions from the Senate to the House of Representatives, and he shall distribute this list to every member of the Senate as soon as it is prepared.

40. Any appeal from the ruling of the presiding officer shall be decided by majority vote of the members present and voting.

41. No new motion shall be admitted under color of amendment as a substitute for the motion under debate.

42. No member shall vote on any question in which he is directly interested; nor shall he be required to vote in any case where he was not present when the question was put; nor sit upon any committee when he is directly interested in the question under consideration. In case of such interest of a member of a committee, the fact shall be reported to the Senate and another person may be substituted on that question in his place.

43. Action on the floor of a report of the Committee on Finance or a Committee of Conference on either the general appropriations (budget) bill or the capital budget bill, shall not be taken by the Senate, until said report has been available from the Senate Clerk twenty-four hours in advance, in written form. Non-germane amendments and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

44. PERSONAL PRIVILEGE: A Senator may, as a matter of personal privilege, defend his position on a bill, his integrity, his record, or his conduct, against unfair or unwarranted criticism, or may speak of an issue which relates to his rights, privileges or conveniences as a Senator; provided, however, the matters raised under

personal privilege shall not be subject to questioning, answer, or debate, by another Senator. Personal Privilege remarks may be included in the Daily Journal if requested by the Senator, and in the Permanent Journal by vote of the Senate. A Senator may speak on other matters of his choosing and in such cases may be subject to questioning and/or answer according to the Rules of the Senate.

45. No officer or employee of the Senate during the session or any adjournment thereof shall purchase or contract for the purchase, pay or promise to pay any sum of money on behalf of the Senate or issue any requisition or manifest without the approval of the Senate President.

46. If a drafting request for a bill or resolution has been filed with the office of Legislative Services requiring a fiscal note as provided in RSA 14:44-47, the substance or a draft of the proposal may be provided to the legislative budget assistant for preparation of the required fiscal note without the specific consent of the sponsor of the proposal, provided that the identity of the sponsor shall not be disclosed.

Adopted.

RESOLUTION

Senator Hough offered the following Resolution:

Resolved, that the Joint Rules of the 1989 Session of the General Court be continued as the Rules of the 1989 Special Session, as amended, copies of which are in the hands of the members of this Body.

JOINT RULES

PROPOSAL FOR 1989 SPECIAL SESSION

1. The Committees on Rules of the Senate and the House shall meet jointly for the purpose of recommending joint rules to the Senate and House and such matters as may be referred to them by either or both bodies. Recommendations shall be approved by majority vote of each committee.

(a) For the purposes of convening the joint meetings of the Rules Committees of the Senate and the House and presiding over such meetings, the Chairman of Senate Rules shall serve as Chairman of the committees meeting jointly in the odd-numbered months, and the Chairman of House Rules in the even-numbered months.

(b) Prior to the second-year session, the Committees shall meet jointly for the purpose of recommending to the two bodies deadlines for the conduct and conclusion of the business of the second-year

session. Each body may amend and shall approve these deadlines by majority vote on the first legislative day of the second-year session. The Committees shall issue a report of recommendations for second-year session deadlines to the membership of both bodies, conduct at least one public hearing thereon, and issue its final report of recommendations to the general membership not less than fifteen days prior to the first legislative day of the second-year session.

2. When a convention of the two bodies is to be formed, whether by a requirement of the Constitution, or by a vote or resolution of the two bodies, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in convention. As soon thereafter as the convenience of the Senate will permit, they will attend in the House. The speaker of the House shall be chairman of the convention, and shall state the reasons for forming the convention. When the House and Senate are thus formed in convention, the rules adopted as the rules of the House shall be considered the rules of the convention, so far as they may be deemed applicable, and the convention shall accordingly be governed thereby.

3. Messages shall be sent by such person or persons as each body may deem to be proper. Messages from either body shall be received from the other at all times, except when engaged in putting a question, in calling yeas and nays, or in counting the ballots. When a message shall be received from either body to the other it shall be announced by the presiding officer.

4. While bills are on their passage between the two bodies, they shall be under the signature of the clerk of each body respectively.

TO BE DELETED:

4-A. There shall be no limitation on the type of legislation introduced in the first- or second-year sessions, except:

(a) No bill the subject matter of which has been indefinitely postponed or made inexpedient to legislate in either body in the first-year session shall be admitted into the second-year session whether as a bill, an amendment, a committee of conference report or in any other manner; and

(b) No bill, joint or concurrent resolution, shall be introduced into either body for the second-year session unless the sponsor of such bill, joint or concurrent resolution, files the legislation by title on or after May 11, 1989; provides complete information as to details to the Office of Legislative Services by 5:00 p.m., October 2, 1989 and the bill is fully prepared by said office for introduction prior to 5:00 p.m., November 20, 1989 except with the approval of three-fifths of the Rules Committees of both bodies voting separately or by a vote of two-thirds of both bodies voting separately.

END OF DELETION

REPLACE RULE 4-A WITH The FOLLOWING:

Rule 4-A. No bill, joint or concurrent resolution shall be introduced into either body except with the approval of three-fifths of the Rules Committees of both bodies voting separately or by a vote of two-thirds of both bodies voting separately.

5. Any bill concerning state retirement systems shall not be introduced unless there is attached thereto a fiscal note based upon estimates obtained from a qualified and approved actuary as to total cost involved.

(a) Any bill or resolution which would have a fiscal impact on the revenues, expenditures, or fiscal liability of the state or any of its subdivisions shall not be introduced unless there is attached thereto a fiscal note prepared in accordance with the procedures stipulated in RSA 14:44-47.

6. (a) Every bill repealing or modifying any act or statute shall refer to the same:

(1) If contained in the Revised Statutes Annotated, by the section and chapter.

(2) If not contained in the Revised Statutes Annotated, by the section and chapter and the session of the legislature when the same was passed expressed clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain its meaning.

(b) The title of every bill shall indicate, in brief and comprehensive form, the subject matter contained in the bill.

(c) Commencing with section 2 each section of the Operating Budget bill shall be annotated as to its source (i.e. Governor, House or Senate) and as to substantive amendments to such section. Such annotations shall be provided by the Legislative Budget Assistant and shall appear at the end of the actual section to which they apply.

(d) It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

(e) During the first-year session, a standing committee of the non-originating body may report a bill or resolution with the recommendation that it "be re-referred for action in the second-year session." Any bill or resolution that has been acted upon by the originating body and sent to the non-originating body at least 7 calendar days prior to any deadline for final action in the originating body under Joint Rule 10 shall not be subject to a motion for re-referral under this rule.

(f) Final action on any bill or resolution so re-referred by either body shall be taken in that body on or before February 1, 1990.

(g) When the non-originating body reports a bill or resolution back to the originating body with an amendment, that bill or resolution may not be re-referred for action in the second-year session by the originating body. Any amended bill or resolution so reported back to the originating body prior to any deadline for final action in the originating body under Joint Rule 10 shall not be subject to a motion for re-referral.

7. When a bill or resolution which shall have passed in one body is rejected in the other, notice thereof shall be given to the body in which the same has passed.

8. After each body shall have adhered to its disagreement, a bill or resolution shall be considered lost.

9. Each body shall on request transmit to the other all papers, or copies thereof, on which any bill or resolution may be founded.

DELETE RULE 10

10. The schedule for the second-year session shall be the timetable adopted by both bodies following the procedure outlined in Joint Rule 1(b) and this schedule shall constitute Joint Rule 10 for the second-year session. In the first-year session, final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

(1) On those bills referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the second Tuesday in April (April 11)

(2) On those containing appropriations (including the so-called Budget Bill and Capital Budget Bill), no later than the second Thursday of April in 1989 (April 13).

(3) On all others, no later than the fourth Thursday in March (March 23).

(b) In the non-originating body:

(1) On those referred to the Ways and Means Committee which raise or affect statutes raising revenue, no later than the first Thursday in May (May 4).

(2) On those containing appropriations including the so-called Budget Bill and Capital Budget, no later than the second Tuesday in May (May 9).

(3) On all other bills, no later than the second Thursday in May (May 11).

None of the above limitations shall apply to the supplemental budget bill. If any bill or joint resolution is sent to committees of conference further action may be taken subsequent to the above dates by the House and Senate.

(4) Legislation returned from the non-originating body, with an amendment, shall not be re-referred to Committee but shall have one of the following recommendations: Concur, Nonconcur, Nonconcur and Request a Committee of Conference.

(c) Both bodies shall take final action on all Committee of Conference reports except the Operating and Capital Budgets by the fourth Tuesday of May in 1989 (May 23). Both bodies shall take final action on the Operating and Capital Budget bills by the fourth Thursday of May in 1989 (May 25).

(1) Reports of Committees of Conference shall be filed with the clerks of both bodies no later than 3:00 p.m. on the third Friday in May (May 19).

The report on the Committee of Conference on the Budget Bill and the Capital Budget Bill shall be available on the fourth Monday of May. (May 22).

(2) The report of the committee of conference on the so-called Budget Bill shall contain a balanced budget for the biennium.

(d) All bills shall be submitted to the Governor for his signature no later than the fifth Monday in May of 1989 (May 29).

The so-called Budget Bill shall be transmitted to the Governor within one hour of its receipt by the Secretary of State regardless of the actual time of day.

A supplemental budget for the second-year session must be introduced no later than the second Tuesday of January in 1990 (January 9). When each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

END OF DELETION

11. No bill which has been indefinitely postponed shall be admitted under color of amendment by a committee of conference or otherwise.

DELETE RULE 12

12. No bill, joint resolution, concurrent resolution or concurrent resolution amending the constitution shall be introduced in either body after the second Thursday in February (February 9).

(a) Before any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths majority vote of the Rules Committee in either body.

Deadline dates for the second-year session shall be established by the Joint Rules Committee under Joint Rule 1(b).

(b) Subsequent to any deadline established for passage of bills from the first body, Rule 12 may be suspended by a three-fifths vote of both Rules Committees, voting separately. Any such legislation approved by the Rules Committees of both bodies shall be exempt from the deadlines established by joint rules except that final action on any such bill, including action on any reports of committees of conference, shall be taken no later than the fourth Tuesday of May in 1989 (May 23), and any such bill shall be sent to the Governor for his signature no later than the fifth Monday of May in 1989 (May 29).

END OF DELETION

13. There shall be a committee in each body for the purpose of enrolling bills. All bills that have passed both bodies shall be delivered to the enrolled bills committee in each body. A member of each committee shall carefully examine each bill, enroll it, and report it, on behalf of the committee, to the respective body. If the examination of a bill shall disclose any clerical error or formal imperfection, it shall be reported back to each body with such identical amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect. After enrollment in both bodies, all bills shall be signed by the President of the Senate and the Speaker of the House of Representatives.

14. A public hearing on any bill may be held jointly by the Senate and House committees. The Speaker or President of the body in which the bill originates may request the President or Speaker of the other body to authorize the appropriate committee of that other body to sit at a joint public hearing. Joint hearings in no way preclude the bill being reheard by the committee of either body. Presiding over the hearings shall be the chairman of the committee calling for the joint hearing or his designee without regard as to whether a House or Senate bill is being heard. The Speaker or the President may authorize standing committees of their respective bodies to meet on non-legislative days as needed.

15. Effective date of bills. Except as hereinafter provided, each Senate and House bill shall in terms be made effective not earlier than sixty calendar days after the date of its passage. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment may provide for a bill to become effective on passage or on a specific date. Provided, however, that the limitation herein provided as to effective dates shall not apply to (1) bills of an emergency nature, (2) tax bills, (3) private acts affecting one particular town, city or political subdivision, (4) bills making ap-

propriations of money for ordinary or capital expenses of state agencies, or (5) bills affecting fees for licenses or certificates.

16. A bill or resolution may be recalled from the Governor at any time before it is signed by him, by a majority of the Senate or House, whichever last had possession.

17. Concurrent Resolutions Proposing Constitutional Amendments. Proposed constitutional amendments shall be submitted as concurrent resolutions entitled: "Concurrent Resolution proposing a Constitutional Amendment Relating to ***, " and with a resolving clause in the following form: "Be it Resolved by the (Senate) (House of Representatives) the (House of Representatives) (Senate) concurring that the Constitution of New Hampshire be amended as follows:" Concurrent resolutions proposing a constitutional amendment shall truly propose to amend or supplement the Constitution and contain only subject matter which genuinely belongs in the fundamental law of the state: it being the intention of this rule to exclude therefrom all subject matter which is legislative in nature and all amendments for the primary purpose of obtaining a popular referendum. Each concurrent resolution shall set forth the text of the new matter to be inserted in the Constitution and also the text of a question summarizing the amendment, to appear on the ballot proposing such constitutional amendment. The General Court shall specify the particular election at which such question is to be submitted to the voters, and shall state whether it is to appear on the regular or a separate ballot. All such concurrent resolutions shall be read a first and second time by title and referred to the appropriate standing committee for public hearing and report. Amendments to such a resolution shall be in order while the measure is still on second reading. On the question of ordering such a resolution to third reading and on the question of final passage, the President and Speaker shall require a division vote unless a roll call is recorded under the rules and completed. Adoption of either of said questions shall require a vote of three-fifths of the entire membership of each house. In case of disagreement between the two bodies, such concurrent resolutions shall be subject to the usual conference committee procedure. Such concurrent resolution, if adopted by the required constitutional majority of each body, shall be enrolled in the usual form and signed by the Speaker and the President, and shall be submitted to the Secretary of State for appropriate action and for submission to the voters. Such concurrent resolutions shall be made a part of the permanent legislative records.

18. All hearings on a concurrent resolution proposing a constitutional amendment may be held jointly as provided under Joint Rule 14 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body

and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee, not by the committees jointly, and passage in final form shall be completed by both bodies not later than May 11, 1989 of the calendar year in which the resolution was introduced. After said date no further action may be taken by either body on the resolution provided that if the opinion of the attorney general or an advisory opinion from the supreme court states that, the form of the question in the resolution needs to be amended, the two bodies may amend the resolution in such particular only by affirmative vote of no less than three-fifths of the entire membership of each body taken on division or roll call vote. A motion to so amend shall be in order in either body, notwithstanding any other rule to the contrary, at any time prior to the prorogation of the assembly of that General Court.

DELETE RULE 19

19. Any bill making an appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium (the so-called Budget Bill) or a bill making general appropriations for the cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the so-called Capital Budget Bill) shall be introduced into either the Senate or the House no later than the third Thursday in March (March 16).

END OF DELETION

20. Committees of Conference.

(a) Whenever there be any disagreement between the Senate and the House on the content of any bill or resolution, and whenever both bodies, voting separately, have agreed to establish a committee of conference, the President of the Senate shall appoint three members to the Senate conference committee on the bill and the Speaker of the House shall appoint four members to the House conference committee. Exceptions: (1) the House committee of conference on the operating budget shall consist of five members; (2) the number of the members of the committees of conference on any bill may increase or decrease if the President and the Speaker both agree. The two committees of conference on a bill shall meet jointly but vote separately while in conference. A unanimous vote by both committees of conference shall be necessary for an agreed report to the Senate and the House by the committees of conference.

(b) The first-named person from the body where the bill or resolution in disagreement originated shall have the authority to call the time and place for the first meeting of the committees of conference on said bill.

(c) The first-named person on a committee of conference shall be the chairman of that conference. The chairman of the committee of conference of the body where the bill or resolution in disagreement originated shall chair the joint meeting of the committees of conference.

(d) No action shall be taken in either body on any committee of conference report earlier than some subsequent day, after the report has been delivered to the seats or placed on a member's desk. A committee of conference may neither change the title of any bill submitted to it nor add amendments which are not germane to the subject matter of the bill as originally submitted to it.

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph (h) of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

(f) When both committees of conference on a concurrent resolution proposing an amendment to the constitution have agreed, the committee of conference from the body which acceded to a request for committees of conference shall file its report with the clerk of that body who shall print it in full in the journal or supplement of that body. The report shall be made a special order of business at the late session of a subsequent day. After said report has been adopted by the first body, a message shall be transmitted to the second body which shall then act upon the report of its committee of conference.

(g) A sponsor of any bill or joint resolution referred to committees of conference shall, upon his request, be granted a hearing before said committees prior to action thereon.

(h) No member of a committee of conference shall sign any report that contains non-germane amendments or subject matter that has been indefinitely postponed in either body. For the purposes of this rule, a non-germane amendment would be any subject matter not contained in either the House or the Senate version of the bill.

21. No Joint Rule, except rule 12, shall be suspended unless two-thirds of the members present, in each house, voting separately, vote in favor thereof.

22. Members of both houses may sponsor legislation jointly. Proposed legislation will be titled House Bill or Senate Bill according to the first named sponsor. On such jointly sponsored legislation, the approval of up to five House members and up to five Senators shall be sufficient for the introduction of any bill, joint resolution, CACR, or bill of intent. If more than five House members and/or more than five Senators wish to be sponsors, the first named House/Senate member on the bill shall determine the names of the four House/Senate co-sponsors whose signatures are required for introduction. Other House/Senate members may be added as co-sponsors by notifying their respective clerks prior to the date of the first public hearing on the proposal, and their names shall be recorded in the appropriate permanent journal of that session.

23. Clarification of Legislative Days. Legislative days are figured in each body independently based on the actual days that either body has been in session. Neither body may extend a legislative day for more than twenty-four hours after midnight of the calendar day of the legislative day involved, except for the purposes of enrolling or introduction of bills.

24. (a) First-Year Session. Any legislation not disposed of by any other motion in the first-year session by midnight on July 1 of the first-year session shall be indefinitely postponed for the remainder of the biennium.

Legislation re-referred to Committee shall be exempt from the provisions of Joint Rule 24(a).

(1) Bills and resolutions substantially similar to bills and resolutions referred for interim study in the first-year session shall not be reintroduced or acted upon during the second-year session. The presiding officer shall determine whether any bill or resolution introduced into the second-year session is substantially similar to a bill or resolution referred for interim study in the first-year session.

(b) Second-Year Session. Consideration of all legislation introduced on or before July 1 of the second-year session shall be terminated at midnight on July 1 of the second-year session and any bill not passed by both bodies by this date and time shall be indefinitely postponed for the purposes of the 1989-1990 regular session of the General Court. If after July 1 of the second-year session the two bodies of the General Court are called into session by joint action of the two presiding officers, any legislation considered shall be limited to matters not indefinitely postponed on or before July 1 of second-year session. Such new legislation may come before the General Court with the approval of three-fifths of the Rules Committees of both bodies, voting separately, or of two-thirds of the members of both bodies, voting separately. Any new legislation so introduced

shall be exempt from the joint rules for time limitations for action on legislation in both bodies and in any committee thereof.

Adopted.

HOUSE MESSAGE

The House of Representatives has passed a Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB-1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered Special Session HB 1-FN shall be by this resolution read a first and second time by the therein listed title.

Adopted.

First and Second Reading

Special Session HB 1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire.

SUSPENSION OF THE RULES

Senator Hough moved that the rules of the Senate be so far suspended as to allow for the holding of a hearing and committee reports without previous notice in the Calendar.

Division Vote:

23 Yeas

0 Nays

Adopted. (2/3rds votes)

Recess.

Out of Recess.

Senator Podles in the Chair.

COMMITTEE REPORTS

Special Session HB 1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire.

Ought to Pass. Senator Bartlett for the Committee.

SENATOR BARTLETT: I don't think that anyone in this body really has the desire to be here today. I think we all fully realize that the bankruptcy of a utility in our State is never in the best interest of the State of New Hampshire. We certainly didn't ask that we be here and have to make the decisions that we make today because they are unprecedented. As elected officials this is an obligation that you took when you were sworn into office.

I think that there are some things that we all agree upon and one is that bankruptcy is bad for our State, bad for our businesses, bad for a lot of things. I hope that we also agree that after 22 months of bankruptcy, it is time we should settle the issue as far as our portion of the obligation. That is why we are here today. HB 1-FN has been passed by the House and sent over to us without amendment. And I rise before you and ask your support in the Senate passing HB 1-FN without amendment.

I spent the last three hours talking to both caucuses of the Senate. The Democrats were courteous enough to allow me to come in and explain some of the changes that were made from our December 4th hearing. And I have spoken to the Republicans. Basically, HB 1 is step number two in the long process of resolving this bankruptcy. It allows the Public Utilities Commission to set a temporary rate of 5.5 percent and make other agreements on the rate path so that the bankruptcy can be resolved. We have a piece of legislation and the legislation refers to an agreement. That agreement is the agreement between Northeast Utilities and the Governor of our State or the Attorney General's Office that says that they will do certain things if we will do certain things. In the end, all those other things happen after what happens here. But there will be a management company and the Public Service bankruptcy will be solved. I'm not saying that the agreement is the best because I don't know. I was never happy that the junk bond holders were to get roughly 100% of everything they wanted. But this legislation is not the power all. The referee in the bankruptcy is the judge and he was very considerate. This is a federal bankruptcy and this law comes under federal law. So there are many things that have happened in this bankruptcy that this body and the House and the Governor have no control over. We are trying to address those things that we have control over. We've had the hearings. We had the informational hearing for this body on December 4. There were many things that happened. All the press has carried most of them. The changes that have come since that date are listed in this bill. One change from the original agreement said that we would pass legislation as we are supposed to do under our obligations and if the Attorney General and others did

not like it, then they could change it. The Speaker and I agreed that this was not in our interest. We objected to it and this legislation says that if there are changes in the plan that have to do with the rates, then it must come back for legislative approval. The second area is rate design. The original agreement called for rate design. Both the Speaker and I found this to be objectionable. We were concerned that the residential rate payer had the possibility of being unfairly treated, that their rates could go up beyond the 5.5 percent. And when we talk about 5.5 in the agreement, it is 5.5 percent in revenues; it does not say 5.5 percent increase in rates. We felt that this bankruptcy was not the fault of any one sector of our State and that those rate payers who are serviced by Public Service should expect to pay what would be a fair share. If we have drafted it right (and we think we have, we talked to Public Utilities), there will be no rate redesign outside of classes, which means that one class can not take the rates at a lower return of their revenues and place it on to another one. We think we have protected, and we hope we have, the residential rate payer by this legislation. There are several companies in this State which are small and have an interest in transmission lines. It is important that we deal with transmission lines so that any of our smaller companies are not held in a position where it would be to their disadvantage. This piece of legislation takes care of it. We have New Hampshire Co-Op Company that services a lot of our rural areas. As a matter of fact my house is served by NH Co-Op. Everything else I own is served by Unitel, which really isn't affected by this legislation at all. But those of you who have followed the good things and the bad things throughout this whole procedure will know that New Hampshire Co-Op was financially fragile. In the past few weeks, while we were discussing these things in the legislative area, Northeast Utilities has entered into an agreement with New Hampshire Co-Op that makes them much more financially stable and also allows them to purchase power and not be a captive, so that they can operate their business on a more open area. Those of you who understand co-ops, they don't have stock holders. When things go bad, all the rates and all the expenses go right back to the rate payer because everyone who is serviced by the Co-Op is a part owner of New Hampshire Co-Op. When we met on December 4, I could not support that legislation because of the various things that I have expressed right now. Senator Dupont and I and others have spent considerable time trying to make this a more acceptable piece of legislation. One thing we were concerned about is rate stability. We started off with a 5.5 percent with a possible 2.4 percent increase back with the original agreement signed with Northeast by the Governor. We have now arrived at 5.5 percent by agreement with Northeast Utilities for the first 3 years, and that the only change in the 5.5

percent will be an increased fuel cost of about an 8 percent inflationary. That is basically about the only way that the rates can go up, and that is not unusual in the electric field. You must have a variance in power because it is beyond their control. We think that 3 years at 5.5 percent, subject to only rate increase of inflationary costs for oil, gives us much more stability. We were also able to negotiate that the floor on return would not enter into the return until after year 3. The original plan called for it to enter in one year earlier and called for guarantees on returns. Not only did we push the year off to 4, but we were able to gain concessions from the company to reduce the figure that must be returned by 1 point in each of the succeeding years. That means that if the company (and I think we are now at 7 percent, I have been through a lot of numbers) does not earn a return of 7 percent, they can go to Public Utilities and if PUC feels that they have acted properly, they could have a rate increase over 5.5 percent. All the projections that we have seen from all the companies that are involved in this, and there is Public Service, United Illumination, New England Electric Service and Northeast, when they were asked to look at this as apples to apples, they all came along in this area and showed that the floor should be easily reached within the fourth year. So we felt that we have now given some hope that there will be very little variance between years 1 through 7. The original legislation called for the period between 13.5 return that that would be split 50-50 between the State, or the rate payers, and the utility. We were able to negotiate with the utility that that figure be 13 1/4 and that the rate payer would get the benefit of all of that over 13 1/4. There is no sharing over that. There are some other things to fall into place of deferrals but over 13 1/4, those incomes will be used to make sure that rates remain stable. So we believe that the first seven years we can have a fair belief that 5.5 rate increase. I am not kidding you that over the first seven years that a 42 1/2 percent increase is substantial. That brings us into years 8, 9, and 10. The projections, if they are right, (and if you have ever seen them put those projections into a computer, you know that there are a lot of variables they put in) would appear that years 8, 9, and 10 that the rate would stay without any increase and all indications show that there should be a decrease. We also negotiated with Northeast a difference in the split with the negotiation that they have with the small power producers. There are approximately 13 small power producers in the State and for various reasons there is an ability for cooperative effort between the small power producers and Northeast Utility to work together to cut the expense of the operating costs of the small power producers and that saving will go back, instead of 75-25 to the rate payer, it will now be 90-10 to the rate payer, which means that the rate payer picked up 15%. Again

we are talking about computers and computer runs. The estimate of the company of that 50% savings over the ten year period is approximately \$125 million. The other two areas that I spoke to you about, the cap and the floor, they both can't work at the same time. If they make a great return on their investment, then the return over 13 1/4 returns back and that is a saving somewhere they estimate maybe \$20 to 30 million. And if the floor isn't reach, and they don't get their return, that 1 percent is worth somewhere in the \$20 to 30 million range.

There is a down side. There is no question about it. That is basically what we have done. These are the negotiations that everybody said were fouling up the whole deal. I can tell you that we have gotten major concessions. The dollars alone indicate that. The protection for the rate payer, the protection we were able to negotiate for the employees of Public Service of New Hampshire. The other night, we spent three hours at the request of Public Service with Northeast Utilities negotiating a protection plan for the employees for Public Service of New Hampshire. It is complicated but simply the first part of it is that there will be no lay offs except for top management for the first year and no pay cut and then terminations beyond that period of time will come within the realm of the present program. Most of the employees will get approximately 1 years pay upon termination and medical benefits. That is governed in many areas by length of service, but say an average of 12 months.

We think that we have given a package here of 5.5 percent rate stability. And the question is why should we do it? On January 18th, the Nuclear Regulatory Commission will meet again. It is very possible that Seabrook will get a green light. Two or three years ago, no one ever thought Seabrook was coming on line. I think those of you who have been following the process realize that Seabrook is closer to coming on line than it ever was. You heard the Governor and you heard the negotiating team talk about the vultures and the bad boys down there with the creditors who are the unsecured bond holders and the equity for stock holders and how tough they are. If we do nothing today, if we do not send a message to the judge in the bankruptcy that we are observing and we wish to try and settle this, then we will have lost all the time and effort that we have spent trying to convince the judge that New Hampshire should be a party and should have some consideration in the bankruptcy. We have a choice. We could vote it down and we could send it all back to the court and say "Mr. Judge, we don't care, you do what you want to." And it goes back down to Manchester and the judge looks at it and says "Hey, you know, I've let these people participate in here for almost two years, allowed them to be interveners and when it all came down, the Legislature didn't care." I don't think we want to be in that posi-

tion. If we come in that position, then the judge certainly would be well within his rights to send this to FERC and FERC regulation, and we would give up any right that we have of controlling the rates to the Federal Regulatory Commission. I don't think we want that. The other thing is, if we do nothing, and Seabrook does come on line, those good people that we talked about, the creditors and equity holders who have done an excellent job on behalf of their constituents, could go to Public Service and tell the management to file for rate case under traditional rate base because the anti-CWIP law is gone once Seabrook is on line because you are now receiving power. Public Service estimates the value of Seabrook at roughly \$2.9 billion, but really in essence the amount of money that is allotted to Seabrook is about \$1.4 million. That leaves a differential between what can go into the rate base of 1.5 billion dollars. That 1.5 billion dollars or that 2.9 is subject to Public Utilities looking at all the expenses and all the costs, and saying that everything they did was prudent and in the interest of the rate payer. So that 1.9 basically can come down. It can come down to 1.5, 2.5, 2.4, whatever Public Utilities feels was not prudent for the rate base. But I can guarantee you that throughout the country, if a nuclear plant did not function, the Federal Regulatory Commission gave roughly 50% of the investment. The 1.4 in this package is roughly 50% of the value of Seabrook for Public Service of New Hampshire's value. So that if that plant operates, we stand the opportunity of having the equity holders come in and speak to their management and say we want you to go for a rate case under traditional rate making and John Duffett is the gentleman who is down there. He is the CEO and he is going to tell those people that he promised us that he would go only 8% the first two years and then 5 for 4 after that. And they are going to say, Mr. Duffett, you did work for us. Our best interest is go for rate case, we are not talking about 8 percent, we are talking about all we can get because it is true that the little old man or the little old lady in New Hampshire doesn't own the stock any more. There are probably some out there but most of those little old ladies and little old men in New Hampshire were smart enough to get rid of that stock long ago. So it is owned by large companies, large insurance companies because we met the people in the equity and we know who they represent. They are not interested in the rate payers in New Hampshire. But we are. And I guess the gamble that we have today is that we pass a piece of legislation that is as close to offering stable rates of 5.5 and say to the judge that here we are, we want to solve this problem because it is in the best interest of all the constituents, all the businesses and a good part of the State of New Hampshire, or we can not pass it and leave ourselves open to whatever he decides to do or to the fact that Seabrook comes on line or not.

Now I am rather conservative and I hate to get up here and say that I am going to support 5.5 percent rate increase for the next seven years which is 42.5 percent and then run for re-election and have my opponent say you voted for 5.5. This is the only Senate that ever did it, and I sit there and say that is correct. But you know what the alternative was, and the guy says no but I know what you did and I got 5.5 rate increases. I hope that the public will understand what a difficult decision this is. We have taken into consideration the risk that if we don't take action what will happen to the rate payer. That is basically what I meant to say and that was basically for the audience because you have all heard me say it about three times today. I am not sure I said it all the same way, but that is it. I urge that you pass this legislation without amendment and that we get our part of the bankruptcy behind us. And that we then proceed and hope that the State of New Hampshire can offer businesses from other states stability. We have stability and guarantees for the State and the employees for Public Service of New Hampshire and I think that this is the best of a bad deal.

SENATOR PRESTON: It is not because we don't have any questions, we have gone through this twice today. We are a little out of practice for speaking on the Senate floor so forgive me if I ramble a little bit today. I just want to quote Senator Bartlett, he said "that I am not sure this is the best deal for New Hampshire" and he is right. And Senator Bartlett, you are wrong on this issue. But you are a fair man. You kept us more informed in the last week than the Governor did in the past nine months. And I appreciate you for your briefings this morning, I just wish we had more influence on your thought processes.

This is the big one. A week ago, we were asked to approve 5.5 percent rate increases without any caps whatsoever. We were asked to approve guaranteed rate returns to a Connecticut utility under the Gregg-Rath plan. We were asked to give up our legislative prerogatives for ten years and hand over all deliberations to the Executive Office and to the Attorney General. And we were asked to allow rates that could have been designed to rape the residential rate payers of the State of New Hampshire. And Reverend Fischer just said it all "Whatever we shall do to the rate payers today, I hope that they shall do unto us." And I really hope that when Reverend Fischer went by and gave you his special blessing, Mr. President, that it would influence you in the course of the day to allow us to consider other pieces of legislation so that we might hear all sides of the story.

Before I get into specifics, let's frame this in a proper political perspective. The Governor charged the Democrats with twisting the whole issue this week. And he tried to frame it as a real partisan

issue. And that was wrong. It was indicated that the radical Democrats were trying to roadblock this plan or the so-called yahoos. Phil Dunlap, I have never known the former Senate President to be one of the yahoos or Democratic radicals that spoke out so clearly, concluded that there was a fix between Public Service negotiators because Public Service negotiators were willing to meet State demands on rates but kept facing new demands for concession. That, said Dunlap, proves collusion. It is also the way of Gregg's chief of operation who stonewalled other unions. If you are confused folks, you have a real right to be. I never looked at Ed Dupont as a yahoo. Senator Dupont knows more about this piece of legislation, Public Service Company and electric rates than anyone else sitting in this chamber. And he wasn't one of the wimps that spoke up against this. And he deserves a lot of credit. George Freese, I have always known him as a devout Republican, a team player, who had the conscience to stand up and say this is a lousy deal. I congratulate you, Senator Freese. Perhaps for different reasons, we end up on the same side of the issues, but I think your conscience was your guide and you are right on this one. Another yahoo, Henry Powers, Sprague Energy, remember the BIA, it is a lousy deal. So don't be confused and don't let the Governor frame this as a political issue, because it just isn't so. Senator Johnson, I hope we have the opportunity later in the session today to address SB 2 and I hope this bill is not ramrodded through on a vote, because I would like to move to table it so that you would have an appropriate opportunity to address your piece of legislation. Not having been involved in the intimate discussions that went on with the legislative leadership, so called, I found out that Senator Bartlett and Senator Dupont were notified once in a while but they weren't involved in the meetings either. But I have read different clippings here over the years and here is one from 12/18/88. Governor Gregg has indicated the State would be willing to grant increases up to 4 percent annual rate for five years. Here is another one, the State has endorsed a plan by New England Electric System calling for rate increases of 4.8 percent a year for seven years. Said Governor Judd Gregg, "We now have on the table a better deal. It is obviously a dramatic improvement over what anyone thought consumers of the State of New Hampshire were going to receive." Where did this 5.5 percent rate increase come from? Every time Judge Yacos heard other proposals, be it PSNH or New England Electric System, he said "I can't forget that the State has said it can live with 5.5 percent." The 5.5 percent is the Gregg-Rath proposal. Another statement Governor-elect Judd Gregg has joined negotiations over plan to release PSNH from the Seabrook bankruptcy. "We don't expect the consumers to be hammered for giving a high rate of return. We are going to be very aggressive in

negotiating low rates.”, said Judd Gregg. Judd Gregg said Friday, he now prefers the New England Electric plan with its lower rates 2.2 billion dollar offer is too much money. What are you voting for today? 2.3, 2.4? Governor Gregg backed a PSNH take over plan proposed by Massachusetts based NEES valued at 1.9 billion. State backs new plan - the State again endorses the plan by New England Electric System calling for rate increases of 4.8 percent a year for seven years. “We now have a better deal on the table,” again says Gregg on another date. New England Electric System 1.9 billion best price. Here is another one 9/17/1989, Governor begins talking tough with Public Service Company. He announced the State's position of acceptable rate hikes. We are now at 5 percent for four years for compounded increase of only 22 percent on the rates. Folks, if you are confused, you have a right to be. I am a layman. I don't understand all the technical terms but I can read. I am going to ask you to support my motion to table this motion when we are done, because Bill Bartlett and Ed Dupont have convinced me of the need for delay. The people I have heard from have convinced me. If you just think of what has been achieved in the last few days, let me read another quote to you, this goes back to 12/21/88. Senate President William Bartlett, Republican from Kingston, told then Governor Sununu regarding any special session, said Bill Bartlett, “You can't accomplish proper legislation of this magnitude in a special one day session.” And I agree with Senator Bartlett. Just think of what Senator Bartlett and Senator Dupont have achieved over the last week. I think they saved the New Hampshire Co-Op because they forced them to make a deal now in the agreement, not later. And the Co-Op might have faced certain bankruptcy. In a matter of two days really, they rearranged the rate redesign loop-hole that was there. They saved a good part of the Legislature giving up its prerogative for its residents by taking away the powers from the Attorney General's office. They have forced Northeast Utilities to discuss the small power producers problems. They have protected other New Hampshire electric companies regarding transmission lines. The Connecticut utility could have held up these firms on cost and raised electric rates to consumers other than theirs. They addressed the return on equity that wouldn't have guaranteed them the Gregg-Rath returns for the companies. They have even addressed the rates 5.5 for three years. And they have addressed somewhat the Public Service Company of New Hampshire workers' program. How graceful, they said we might let you work for us for up to eighteen months. Big Deal. We had an interesting public hearing this week. And I say public hearing because they all weren't yahoos there. But we faced threats of take it or leave it. A week and a half ago we met with the esteemed members of the special team and our representatives and

lawyers who are getting paid up to 20 million dollars who said don't touch this one. It is in concrete. And sure enough, while that public hearing was going on lawyers were skittering about and from that public hearing and the feelings that emanated resulted in some of the very arrangements that were negotiated in the last few days. We were told we had no other choice. But we had some bankruptcy lawyers up here that aren't getting anything out of this. Senator St. Jean had contacted an attorney and he said don't be had on this one. He said this is like building a 3.4 billion dollar highway without seeking competitive bids. He also said this is a credit driven deal. They built it all the way up to the top to get everyone out making a buck and divided it up among the rate payers, which amounts to about \$2,000 per person in the State of New Hampshire. He said the threats won't happen. And I believe him. Judge Yacos isn't going to hurt the people. He said right now fellas, the Legislature is not a player in the game, but a passenger ready to get taken on a big ride with the rate payers if you pass this one. The negotiation game is not over. I am convinced that if so much has happened in just a few days, more can occur. It is a shame but their efforts to pit Republican against Republican and Democrat against Democrat and that just isn't so. That is not the way it should be. Sara Vaugh, the economist with the Public Utilities Commission, indicated that some of the rates were too high. The acquisition premiums and so forth would be higher than they ever had been. And was not really supportive of this Northeast plan at all. Who in this room knows anyone by the name of Jerry Owens? Senator Johnson, do you know who Jerry Owens is? Does anyone in the room know who Jerry Owens is? I think Senator Nelson might know because she took the time to find out. Jerry Owens is a lucky guy. You know where he lives, 1655 East Sahara Blvd.; Las Vegas, Nevada. And you know what you are doing for Jerry today? He is one of the junk bond holders and he hasn't said it but I should think but you fought for him if you vote for this deal today. How many people know Mike McKenna, a good Irish fella? Anyone in the room know Mike? Well I got a call last night that Mike and his friends are really rubbing their hands together because Payne-Webber, Inc. owns 5 million 10 thousand dollars worth of the junk bonds and you are getting them out whole today, guys. They are getting all their money and they get interest rates up to 23% and on this list there is not one New Hampshire citizen listed there. So hurry up and make their Christmas, because that is just about what you are doing for these folks. I think the worst thing that could happen, if you will give us the opportunity to vote today on Senator Johnson's bill, is we might further benefit the rate payer. That Federal Judge I have never met. He has been portrayed as an ogre. And I don't believe that. He is not going to jam this lousy deal down the

citizens of New Hampshire's throats. He has acted very responsibly so far, as far as I know. He has had the taxes due from the Utility paid back to the municipalities. He said the deposits that were held to be turned back to the consumers. The problem here folks is the Gregg-Rath rate which was established in June when there were no other proposals out there. The whole process has been bungled. The National Association of Regulatory Commissions predicted rate growth increases of 2 to 3 percent. Do New Hampshire citizens deserve a doubling of that rate? The Governor said last week at a press conference unbeknown to his majority members that this bill would pass today and maybe he is right and maybe he should have stayed home. But I ask you this, let's look at the alternatives and let's try and hammer away for more concessions. This is bigger than I pretend to understand. So maybe we can stand up for the people who sent us here. Or, you can vote for the Gregg-Rath plan.

Lastly, let me say this to you. I returned to my office yesterday and here is a call from Mr. Dube, shareholder. He said he would rather lose everything of Public Service shares rather than see us approve a plan like this one. Mr. Harrison, Mr. Wrightout, Lincoln, Hollingworth, "Thank you for voting PSNH employees." George Wall, "please oppose Northeast plan." These people don't understand the plan any more than I do, but they are bright enough to understand that it is a bad deal for the consumers. And maybe, the 38 calls in one day aren't important to you folks, but they're the ones who sent you here and if another 5 week delay on the Johnson bill is worth it, then let's think and let's think of what kind of holiday greeting you are sending to your constituents. Thank you.

SENATOR NELSON: Senator Preston, I understood you to say that you used the figures 2.3 billion dollars and then you referred to the rate payers. I understand there are roughly 600,000 rate payers in the State. What are you suggesting out of that particular amount of money that the rate payers of the State of New Hampshire will be paying?

SENATOR PRESTON: I don't know, but private residents stood up at the hearing the other day and said it means \$2,000 to every person in the State. He also explained to me that when this was put together that everyone went in to come out whole and then divided it up. I don't know what it is going to cost every rate payer.

SENATOR NELSON: Senator Preston, do I understand from the material you presented before us that was quoted in the esteemed and illustrious New Hampshire newspapers that originally and initially there were other rates on the table besides the 5.5 percent and

in fact at one time it was lower than that. Did I understand that correctly from all those newspapers?

SENATOR PRESTON: Well, New England Electric systems came forth, I think at the President's behest, and they offered a 4.8 percent proposal at one time. And frankly, the sentiment that we got from those clippings was they didn't think they had a deal anyway because the Governor's office had accepted a Northeast proposal without even entertaining others. I have never heard of such a thing and I agree with the fellow that said this is like building the highway for 3.4 billion with one company and not getting competitive bids. I think we froze out these people before the bidding started.

SENATOR BASS: Senator Preston, I was impressed with your passionate discussion. However, I have two small questions. You decried the tremendous expense that the State has gone to in hiring lawyers to try to represent the State's position. If this bill is defeated today, what do you think will happen to the level of those legal fees?

SENATOR PRESTON: As bad as the legal fees are, they are minute in comparison to the rape of the rate payer if we allow this to occur.

SENATOR BASS: Senator Preston, I also heard what I thought was an endorsement of Senator Johnson's bill and I also thought I heard you last night on one of New Hampshire most distinguished and illustrious public radio stations say that you thought Senator Johnson's bill was wishy-washy. Are you yourself wishy-washy for changing your opinion on this matter?

SENATOR PRESTON: Senator, I am pleased you said that. I have never been accused of being wishy-washy, but I was quoting your majority leader in the House who referred to the Johnson bill as wimpy, wishy-washy. And what it really did was give the people who have the courage to do some hard negotiating for the rate payers more time. And I was merely repeating what a member of your party had said, sir.

SENATOR KING: I don't think that I have to tell anyone here about the precarious economic times that the State of New Hampshire is facing right now. Times that will require us to take stock in ourselves and do everything that we can to encourage the business climate in the State and to provide decent jobs for our citizens and revenues that will allow us to meet our needs as a State and the needs of our citizens. Part of the formula for that kind of economic growth is predictable utility rates, rates that are reasonable and have some kind of a promise of stability. I can tell you and I know

that everybody agrees that we are all in this room hopeful that the agreement that would be struck by the State of New Hampshire would do that. I want to echo what Senator Preston has said, that this is not a partisan issue. When the electricity surges into the home of a New Hampshire rate payer, it doesn't pause to determine whether or not that individual is a Democrat or a Republican. When a rate payer has trouble paying their electric rates in the State of New Hampshire, the utility company doesn't ask them for their party card. We are all in this boat together. Today, though, we are being asked to validate a contract that will bind legislators for the next decade, the next ten years. So we are all going to have to get in that boat together and drift along for ten years. Ten years without the benefit of the New Hampshire Public Utilities Commission and the protection that it has, although weak, given to the State of New Hampshire rate payers over that time. Ten years without the benefit of very strong legislative oversight. Ten years at the mercy of one utility empire, a company that will not only add PSNH to their portfolio, but also control of a large part of the transmission power in New England and in addition to that will have controlling interest in the New England Electrical Energy Pool, able to solely veto the proposal that any other member of that pool brings forward. That is an important policy question for us. Mr. President, as much as I want to be able to support the negotiated agreement for the State, I can't. I believe that in the long run it is a bad agreement for the State and the rate payers and bad public policy. Only a few years ago, a law firm appeared before the Public Utilities Commission in New Hampshire and told them that in bankruptcy proceedings for Public Service that the State of New Hampshire would be at the mercy of the bankruptcy court. They told the Commission that essentially unless they gave permission to sell 500 million dollars worth of junk bonds that the then solvent Public Service Company would go under. As a result of their testimony, which is quoted extensively in the Commissions findings, PSNH was allowed to sell those junk bonds. And today we are paying the price for that. While the stock holders of PSNH, to some extent go begging, the junk bond holders get to laugh up their sleeves at what they were able to pull off, not only in this but five years ago in those negotiations before the PUC. To ask the rate payers of New Hampshire to shoulder that burden while the junk bond holders get 100% plus interest, as Senator Preston has put it, is the greatest insult to all of this. That law firm, Mr. President, the firm that convinced the PUC that we should allow those junk bonds to be sold is the same law firm that the Governor brought in to negotiate on behalf of the State of New Hampshire in these negotiations. Mr. President, in my opinion, that is a travesty. That is like asking the prosecutor who just gave you

the electric chair to represent you in your appeal. How can we expect tough negotiations from those who would enter into negotiations believing that they didn't hold any cards, that the other team held all the cards. Mr. President, I don't think there is any question that this agreement would have gone down had it not been for the work that you have put in and you are to be commended for that. But I fear that the magnitude of the changes don't provide enough protection for rate payers in the State of New Hampshire, rate payers who already find it difficult to cope. I spent all of yesterday afternoon and all of last night and all of this morning until noon walking Main Street all through my district and just talking to people on the street, in coffee shops and I found that the people were solidly against this proposal, the people in my district. In a conversation that I had on Saturday with a Connecticut rate payer, I was told that the Northeast Utilities Corporation was selling this deal in the State of Connecticut as a means of reducing the rates in Connecticut. Now I was rather curious about that so I called the Connecticut Department of Public Utilities. In a questionnaire filed by Northeast Utilities with the Connecticut Department of Public Utilities, the company said that this agreement would produce \$20 million a year in benefits to Connecticut rate payers. Now I don't begrudge the folks from Connecticut getting lower rates, but not on the backs of New Hampshire rate payers, not at the cost and expense of New Hampshire citizens. I won't be a part of letting a utility use New Hampshire rate payers to subsidize Connecticut electric rates. Can we trust Northeast Utilities when they argue that they need a 46 percent rate increase over the terms of this agreement in order to be profitable? In 1986, Northeast went before the Connecticut Department of Public Utilities asking for a 26 percent rate increase, based on what they said were increased costs. What they received was a matter of public record. Zero. Nothing. They requested 26 percent and they didn't receive one penny more and yet despite that the record shows that in that year their profits exceeded the state's high end limit. Again in 1988, they went before the DPU and once again they asked for 16 percent this time. They were granted an increase of 1.5 percent and once again they exceeded the high end limit of profits. Mr. President, I just want to say one last time that you are to be commended for what you have been able to do with this agreement. Had you been there from the beginning, I think we could have had something we all could have lived with. But, unfortunately, you weren't. So I am not going to do what one of my Republican colleagues urged me to do earlier, and that is hold my nose and vote for this. I am going to vote to send this back to the negotiating table and get a better deal for New Hampshire rate payers.

SENATOR JOHNSON: Mr. President, members of the Senate, I want to make it clear that I have no axe to grind, I have no special interest to protect. Whatever I see or do here today, will be done for one reason only and that is for what I consider to be the best interest of the people of my district and that is not to infer that anybody here would be doing anything differently. But I am speaking only for myself at this moment in time. I am not here to question the motives or the character of anybody that has been involved in this whole negotiating deal. I stand here right now, and I am feeling the effects of the Northeast utilities blitzkrieg and for anybody who doesn't know what a blitzkrieg is, it's a war conducted with great force and speed. I think that we can all be very pleased and proud of the fact that Senator Bartlett and Senator Dupont entered into this thing when they did and made what I would consider to be a rotten deal a hell of a lot better. But I am committed to support SB 2 which is going to come before this body a little bit later on and accordingly, I can not in good conscience vote for HB 1 before us now. I can certainly say with a great deal of conviction that we have got a much better proposal before us than we had a week ago. And I felt the effects of that pressure a week ago Monday, when we were told unequivocally that this was the best deal that could be had and when asked for specific questions the answer was also "That's what it took to make the deal." And then in the actual agreement at the very end of, even though we were told that this agreement was written in stone but at the same time the agreement would hand the Attorney General a hammer and a chisel to change it. Well fortunately, that hammer and chisel have been taken away. I am very uncomfortable with acting on rate setting at this time and in this body. I am willing for the General Court to set utility rates but if we are going to set utility rates, why don't we have the staff, the resources and the expertise of the Public Utilities Commission. A number of people have referred to junk bonds. Well, my fellow Senators, those are properly called debentures which means that they are unsecured bonds. But don't make the mistake of calling them junk bonds. Those are gilt edged bonds. And we were told and at least mildly threatened a week ago don't tamper with this agreement. Because it is so fragile that it might very well fall apart. Well, I am here to suggest to you that this is a sweetheart deal for Northeast Utilities, the gilt edged bond holders, and by the way, the rate payers of Connecticut. Senator King, you could have asked me that. I could have handed you a question about Connecticut rate payers there and I could have given you a copy of a paper that would have said the same thing. But let's go back to what I consider to be really a sweetheart deal for Northeast Utilities. I am here to suggest to you that they wouldn't walk away from this deal even if it tested positive for HIV. I think that

they would say to us there is so much money in this deal that they would either invent or find a cure for that. There is more that could be said here. I have another sort of association that I think I should share with this group here. Again the Northeast Utilities people, the junk bond holders, whatever we want to call them and the rate payers of Connecticut, they are probably remembering Jackie Gleason and his famous saying "How Sweet It Is." Senator Stephen, you often ask how this is going to affect the little guy. And I think that we know that you do have a sincerity. Well the little guys and the big guys, all the guys, are going to be affected by this. They are going to pay a 5.5 percent rate increase for the next seven years. They may take the first one out of this pocket, the second one out of this pocket, the third one out of this pocket, the fourth one out of this pocket, the fifth one out of this pocket, the sixth one out of this pocket, the seventh one out of this pocket, the eighth one out of this pocket, the ninth one out of this pocket and then I don't know where because I don't have any more pockets. But I want to close by saying that I am committed to supporting SB 2, mainly because, in spite of all the efforts by Senator Bartlett and Senator Dupont, I can not be convinced in the short time available to me to support HB 1. Certainly we all know that it is a vast improvement over what was before us only a few short days ago. And I believe that holding off this momentous decision for a few more days will not send the wrong message to the bankruptcy court. I would expect the bankruptcy court judge to view that as responsible behavior on the part of this legislature. So for those reasons, Mr. President and others, I can not support HB 1 as written at this time.

SENATOR NELSON: As you know, my best media and the one that I feel the most comfortable with is questions, but I am going to attempt now to make a few brief remarks to let you know what I think, based on what I have heard from the constituents in my district. You all know better than I, and some of you have been here longer than I, that this is not a Republican nor is it a Democratic issue. Because you know the real question here is what is best for the people of the State of New Hampshire. And I think we have spent a lot of time in discussing the junk bond holders, the equity holders and everybody else, but the bottom line here, no matter how you cut it, is the people of the State. I want to share with you just two very brief calls that I had of the many and the one man wanted me to use his name on the floor and that is Mr. John Kelly from Nashua. He wanted me to tell you that his taxes have gone up 15 percent, that he will not get more than a 4 percent raise at his job this year, that his insurance rates are going up, his car insurance, his medical insurance and now he said "Mary, you want me to get an-

other 5.5 percent increase in my electric rates." I had many other calls and I want you to know that the first thing, the way they prefaced their call was Hello, Senator Nelson, my name is and I am a Republican and I want you to know that I am opposed to the bill. This is not a partisan issue. The other thing I wanted to tell you was that I met with the leaders in my community many of them are businessmen, and I have had probably the fastest, quickest courses on bankruptcy, but I am still not an expert. Anyway, I also met with other businessmen in the area and I will let you know the truth of the matter is from what I could ascertain, not everyone is for this plan in the business community. I was under the impression that everyone in this State wanted this plan. But that is not necessarily true. So when we talk about the people, I am including the regular people, like myself, my neighbors, my constituents, the people in my church and at the supermarket, because I too did a survey as I walked along and as you know, I can ask a lot of questions. I guess I am going to sum it up this way, I just want to say to our Senate President and to Senator Dupont, and I mean this sincerely, because I know in this business it comes close to patronizing. And I know in our business also that the most important thing in a newsworthy item is when you can attack or say something negative about someone. But I think it is about time that somebody recognized you in the true sense of the word and that is that you provided a forum so that the people who were going to vote on this issue could begin to question it. Up until that point it was suggested that Democrats were the problem and that no questions should be asked and we should take this hook, line and sinker. So as a politician who has integrity, you and Senator Dupont, along with Senator Preston and the others in this chamber, should be commended for creating a forum in which discussion took place at a very fair level. We all know there are no guarantees in life except in this particular deal which is going to go into the legislature for ten years. Not only that, they have a captive base from which to draw their money.

SENATOR BOND: Senator Nelson, do you believe that if we fail to pass legislation today, and the bankruptcy court does in fact settle this bankruptcy issue, there will be no increases or the increases will be less than are indicated by this legislation either in this year or during the next several years?

SENATOR NELSON: Senator Bond, are you asking me that if we don't vote for this that you don't believe the rates will go up no matter what plan we have, is that what you are asking me?

SENATOR BOND: I am saying that that was the impression that you gave me referring to Mr. Kelly's inquiry of you, that by our passing legislation, we would be increasing rates and that by failing to pass legislation that his costs would not go up.

SENATOR NELSON: What I am saying to you is that when the hard working New Hampshire person, the same person who makes this State great, who pays a vast majority of property taxes, reads in the newspaper that roughly 1.8 or 9 or 2 billion dollars are coming out of their pocket at 5.5 percent and they're getting less than inflation themselves, I think that they think we ought to make a better deal for them.

SENATOR BOND: Is it your impression that we and not the bankruptcy judge are making a deal with the people who are owed the funds by the Public Service Company of New Hampshire?

SENATOR NELSON: I am certainly aware of the fact that the judge is sitting over there, but from what I have understood this afternoon, that everybody wants to pass the buck back to the judge. No matter how you cut it, we are here today and the buck stops here today. What I heard Senator Preston say on the floor today is that over the last several months everyone has come in with a different rate and that what I am saying to you is that if we are passing a 5.5 rate, my constituents are saying that's too high. That is what they are saying to me. That is all I can say to you. What it should actually be, I am not an economist, nor am I a lawyer, I am a rate payer. And I think it is high.

SENATOR BOND: I didn't clearly understand what you said. Does the judge not make this decision regardless of what action we do here and are we not here at his graces? Did he not allow us to participate in these things and should we not therefore be taking some action out of respect to the role that he allowed us to play?

SENATOR NELSON: What I would suggest to you is that I didn't realize that he gave us permission to hold a special session, number one. And, number two, it is going back to the bankruptcy judge, but not only the judge but there are several other steps involved in this issue. There is the question that if this plan goes through, is it a monopoly? This is only a step along the way. Yes, I understand that it goes back to the bankruptcy judge. Yes, I know that he has another decision to make on this, but I also know that he is looking to us to have State support in this particular issue. And I don't think there is one thing wrong with saying this is not the best deal for New Hampshire as our famous Senate President has said, this might

not be the best possible deal and other negotiations early on were suggested. I have no problem because in life no one of these gentlemen sitting here has a crystal ball so they're guessing that this is the best deal in town. What I am suggesting is and what I am hearing from my constituents is "Hey, maybe it isn't the best deal in town" and I retain the right to have those thoughts.

SENATOR BLAISDELL: A few years back, there was a very important vote that came in the Senate and we were missing one Senator for that vote and we couldn't find him. We looked all over the State House and we finally found him sitting on top of the toilet bowl in the back room. He wasn't standing, he was sitting. We couldn't see his feet so we didn't know where he was. After opening up the door we found him. I am going to get into the same act as the rest of the Senators have said. In the twenty years that I have been in the Senate I have never been as proud of a body as I am of the Senate that I sit in today. The Senate President has found out that Democrats like me and Senator Preston put their pants on the same way as Judd Gregg puts his on. Women Democrat members of the Senate put their dresses on the same way as you do, Sheila. We want you to know that.

I have asked every question that I possibly could ask. The Senate President has been cordial and has tried very hard. Senator Dupont and Senator Preston have been equally as helpful. I don't know, Senator Preston, if there is an approved depository in the State of New Hampshire. I want to know that before I leave this room, whether or not we have one. I know that the Northeast Utilities group has quite a few nuclear plants, I guess I would like to know where they are going to put those rods and whether or not they can bring them to this great State of ours, because I would oppose that. The only thing New Hampshire about this junk bond list is Jim Cune who lives at 1318 New Hampshire Blvd. in Marysville, Mississippi. That is the only thing that I can see on that. This is obnoxious. I would hope the judge, and it will be his decision in that 2.3 to 2.4 billion dollar deal, whether or not they get paid their full amount. That is not our decision. That is his. Senate President, you have told me about the three year guarantee 5.5 increase. You said in the 4th, 5th, 6th and 7th year we would have stable rates. You said in the 8th, 9th and 10th year maybe they will go down and maybe they will hold their own. I have talked to you about the small power companies and you have told me that you believe that they are being taken care of. We have not yet resolved the wood burners, I have a constituent in my area that is deeply concerned about what would happen to them. It is my understanding that if they are not taken care of in this agreement, we can come back here in January and take a hard look at it. I am

deeply concerned about what will happen to New Hampshire Co-Op. From what I understand we could have two power companies in the State of New Hampshire who could be bankrupt. I don't really know, Senator Johnson, what is going to happen if we delay. I haven't made up my mind on whether I will vote for it. I want to know the answer on the depository. As of this time, you are right, Senator on December 4th I wouldn't have given you the right time for this bill. As I sit here right now today, it is going to be one of the hardest decisions that I have ever made since I have been in this Senate. As of right now, I am leaning to support it, Mr. President, that is a shock to some of my Democratic friends and I apologize for that. I want to listen some more. There are a couple of other questions that I want asked. I am as deeply concerned about the people that are going to get this 5 percent increase as you are. I am concerned about a lot of other things in New Hampshire. I worry about what is happening in my school district in Keene when they voted against the school budget the other night and my school was shut down in Keene. We have a budget facing us very shortly that is going to give us some real serious problems. How big the problem is, none of us knows yet. So I guess this is where the buck stops, right here. You and I are going to have to make that decision today. So I hope you search your souls and I hope to God that we make the right decision for the State of New Hampshire.

SENATOR BARTLETT: The Chair has taken a little bit of latitude because it is a special session. We do have with us Senior Attorney General Smuckler who may be able to answer questions if you wish to address him.

SENATOR BLAISDELL: Yes, Mr. President, I would, if I may. Attorney Smuckler, I would like to know whether or not we have an approved depository in the State of New Hampshire and whether or not Northeast Utilities, with their other power plants, could bring those rods and store them in the great State of New Hampshire?

ATTORNEY SMUCKLER: Senator, there is no approved depository in the State of New Hampshire right now. Spent fuel from Seabrook will be stored on the Seabrook site if it operates until there is a depository. Spent fuel from Connecticut will not be brought up to New Hampshire.

SENATOR BLAISDELL: Is that directly in this piece of legislation?

ATTORNEY SMUCKLER: It is not directly in the legislation. It is driven by the fact that the Connecticut plants have an excess capacity to store their own fuel down there well into the next century.

SENATOR BLAISDELL: Senator Preston, I would like to know, he said there is no approved depository in New Hampshire. I want to know if that is true and I want to know whether or not, according to this agreement, they could store these rods from their other nuclear plants out of the Connecticut area or any other area, in fact, in the State of New Hampshire?

SENATOR PRESTON: Senator, you understand that you have talked to the expert on this and I don't pretend to have the answers. But I think this is a very unsatisfactory answer. We were told a week ago by the same parties that everything was fixed in concrete and now they have changed. The Attorney just said that New Hampshire doesn't have any repository yet and I think that is true, but if the Seabrook plant were to operate and did have a facility, the Northeast plan could bring their waste here. That is the question, whether it is 1992 or into the next century. And I am going to give everyone the opportunity when this bill is considered that if we really believe in that that we will amend it to make sure that that can't happen. I have talked to several Republicans and Democrats who, if you recall all Republicans and Democrats opposed dumping in Hillsboro and this just says that we won't preempt that legislation, that we don't want to be a dump for radioactive waste. So we will have the opportunity to make sure that happens.

SENATOR DISNARD: Senator Blaisdell, would you believe that I am happy that you want to consider the rate payer and I hope that will help you in your decision on how to vote? I noticed that you had some material and figures in front of you. Did you notice that of the 425 million dollars of junk bonds that were last sold, over 90%, 389 million dollars, are owned by one bank on Wall Street. Now does that mean, if we agree to this today and do not consider the Johnson amendment that the rate payer with the guarantees in the agreement that the junk bond holders get all their money and most of their interest? That it would raise the cost for the rate payer.

SENATOR BLAISDELL: I hope it would not, Senator. I had thought that maybe that 300 million dollars was going to be absorbed by Northeast Utilities. I thought that was the answer.

SENATOR DISNARD: Would you believe that I think you may be mistaken, because that is part of the junk bond holders agreement as one of the creditors?

SENATOR BLAISDELL: I would hope, Senator, that the judge would take that into consideration what the intent of this Senate is.

SENATOR STEPHEN: I have listened today to my colleagues, Senator Preston and many of you. And yes, Senator Johnson, I am interested in the little guy and the working men and women of the State of New Hampshire. It bothers me, because I have received many calls as most of you have, and people are concerned about the rates. And we all should be concerned about the rate payer and the employees. But I feel that this proposal should not be a partisan proposal as Senator Bartlett indicated. It shouldn't be a partisan issue and we should be voting on the future of the State of New Hampshire. I believe that the proposal that I have heard today is very difficult to understand. But I hope that it does protect the rate payer. And I hope it gives adequate power to the State of New Hampshire, and also protects the employees. From the many phone calls that I received, it was made clear to me that if I voted for this proposal that I would be jeopardizing my political future. And I say so be it. I did not come here to the State Senate for personal gains, but to vote on what my conscience says. And my conscience says to me that this may be the best for the State of New Hampshire and I intend to do that.

SENATOR KRASKER: I don't know if I am last on the list and I'll try hard not to be too redundant and to be brief, but I think there are a few things that just have to be said. First of all, I am no less sincere in my admiration and my praise for those in the Senate, Senator Bartlett, Senator Dupont, Senator Freese, Senator Johnson, who have worked so hard to come up with some arrangements that would really protect the rate payer. I do believe that whatever protections have been built into this proposal today have been a result of legislative leadership. I, like you, have never been more lobbied in all the years that I have been here from all sides, from briefings, from letters, from constituents. And finally, my decision has come down to the fundamental question, "Is this deal the best deal for New Hampshire?" And after all that I have been able to learn and from listening to the people who sent me here and looking into my own heart and mind, I have come to the conclusion that it isn't the best deal. Of course, we all want the bankruptcy to end. We all want this situation to end, but I think we have to consider the price. Is it worth the price of our laws and our tradition of fair play, economic security or our constitutional due process? I say no. Because this deal affects all of these negatively. We have heard about the rates, 45 percent increase. They are high, they can go higher. They are already among the highest in the land. And I believe they will seriously hurt the people that we are here to defend. In the final analysis, the big money tycoons have their attorneys, they have their lobbyists, they have their press relations expert, but the peo-

ple of New Hampshire are left with us, their elected legislators. The junk bond holders went into this through greed and it seems that greed is paying off. Well, we are here to protect those people who sent us here. And there is no way you can explain to me how working people can afford a 45.5 rate hike when the national average is 2 to 3 percent a year. Our people shouldn't be asked to bail out the speculators of Wall Street. Mr. President, this has hardly been a deliberative process. The rules have been changing from day to day. The agreement has been changing from day to day. Six-hundred pages of agreement, I am told. I am not sure what is in it. I only know that every time the agreement is changed it appears to be on behalf of the rate payers. I think we should continue this process. We can protect the people's interest in a legal forum, free from name calling and rancor. This isn't a divisive issue, which it shouldn't be. It is not a partisan issue. We can use the system of checks and balances in a manner that is consistent with New Hampshire tradition. I have heard, as you have, that if we defeat this plan it will create such uncertainty that New Hampshire can't afford it. But I ask you, members of the Senate, can the people of New Hampshire afford this kind of certainty? Is this the best deal? Are these the lowest rates? Have our rights as a State been superseded by a judge who may be overruled? These questions make me oppose HB 1. For Governor Gregg, 45.5 percent increases in bills may be acceptable, but it is not acceptable to the people I represent. They have no choice in their energy use and need. They have little choice in their income levels. A vote for HB 1 says their government gave them no choice for affordable energy and economic security. And that is why I will vote in opposition to HB 1.

SENATOR FREESE: Thank you, Mr. President. I would like to say before I briefly make a few remarks with regard HB 1 that I think, as many of you have said, that Senator Bartlett and Senator Dupont have done a magnificent job strengthening HB 1. If HB 1 is adopted by this body today, it will be a much better piece of legislation for the consumers in the State of New Hampshire. However, about 3 weeks ago, I began to hear from my constituency in a real temple manner. And I listened. HB 1 to me is an extremely disappointing piece of legislation. Not as bad as it was, but I believe that it represents a sellout by Governor Gregg at the expense of PSNH, the employees and the rate payers in spite of the efforts by Senator Bartlett and Senator Dupont. The employees have been promised 6 months further guarantee of jobs and there have been some other increases in protection. Long term, however, I believe if NU is adopted as our power source that soon, many of those employees will not be in New Hampshire. They will either have to move or they won't have a job.

The agreement in my opinion is still not in the best interest of the citizens of the State and the rate payers. As late as this morning, my mail and telephone calls are running 20 to 1 against the Northeast Utility plan. I will be voting against HB 1 that is before us today. Senator Bartlett, I do have SB 1 and I have it in an amendment form and I also have it prepared as a bill. I have further remarks to make with regard to that and I can hold those remarks until the amendment is appropriate.

SENATOR JOHNSON: Very, very quickly here, I want to remind this body that Northeast Utilities showed virtually no compassion for the Public Service employees unless and until those employees began to speak up. You might wonder why they didn't speak up in the past and the reason was there was a lid clamped on top of them. That is why they didn't speak up and when they finally started to speak up, Northeast Utilities called a hastily prepared press conference. They phrased the questions and then answered them themselves. They made a concession for the first time, for twelve months. We all know about that. When the heat got turned up even further by Senator Bartlett and company they conceded to an 18 month period. But that is not what I wanted the final 20 seconds for. I want to read into the record a memorandum to Senator Johnson dated December 8, 1989 from Mr. Pat Oliver in the Governor's office. This is from the summary of classification and treatment of claims and interests of PSNH under the plan. This is part of the Northeast Utilities disclosure there. "In category 10, the general unsecured claims, the claim amounts to \$855,400,000," general unsecured claims that is primarily the so-called gilt edged bond holders. They are going to paid out on that claim a total of \$966,000,000. And I want that to be part of the record today.

SENATOR PODLES: By our vote here today for Northeast Utilities, we are setting the wheels in motion for the takeover of Public Service Company of New Hampshire. I represent the Manchester area where the majority of my people are employed by the Public Service Company. I was concerned about the jobs and was ready to vote against the NU plan as of this morning. However, NU has made assurances to the 800 Public Service of New Hampshire employees and they themselves, as indicated in this morning's Union Leader, feel confident that NU is providing them with security in the years to come. Additionally, now that Public Service has withdrawn their proposal, I have no other choice. There is no other plan on the table. I have assurances that the plan before us will protect the employees as well as the rate payers. This is probably the most difficult vote that I have to make, but I understand that Northeast Utilities has

the energy, the support of the creditors and that of the investors. I support the NU plan with reservations, and I am hopeful that it will serve our New Hampshire citizens well.

SENATOR BASS: Mr. President, I guess I am going to join with all the other members of the Senate on both sides of the aisle in commending you in your accomplishments of the last three or four days and I have two comments. First, I hope you are counting noses here for next fall when all this acclamation really counts and secondly, I think I'll think twice before I sit down with you for a game of poker. I also want to do what no one has done today and that is salute the Governor of this State, because he is the person who has had the misfortune of being at the helm when this fifteen year crisis that we have been involved with has come to a close. And I don't think that during the six years that I was here during the Sununu administration I ever saw the kind of pressure put upon the Chief Executive as we have seen over the last six months. And I would point out, perhaps, that he has attacked this issue in the usual way that he does most issues, with a sort of quiet determination and courage and a willingness to make decisions that are clearly not the popular decisions, but perhaps that which we all need to make from time to time during our careers. I would like to point out that this agreement does everything that it needs to do. It guarantees a supply of electricity in this State for at least ten years. It creates a healthy corporate structure out of this process, which we certainly haven't had now for five or six years at least. I don't think there is any question that it is going to keep rates lower than they would be if we did absolutely nothing and allowed anarchy to reign. I think it preserved to the greatest extent possible the regulatory process in this State and again we have our President to thank for allowing the legislature to become involved in the two areas of rate setting and changes in the plans. But, I think, most importantly, we are going to do today by passing this bill what prior legislators and prior policy makers have been unable to do for fifteen years, and that is to codify and finalize the cost of the Seabrook Nuclear power plant. And this Senator would much rather accept an electricity rate increase associated indirectly with the value of Seabrook that goes from about 9.02 cents per kilowatt hour today to approximately 12 cents per kilowatt hour seven years from now, rather than to face the specter of the indefinite future of electric rates that could double over that period of time. And it is easy to say that we don't want to vote for electricity rate increases. Nobody wants to vote for that. But, I think when we approach this issue, rather than looking at what is going to happen in the next 30 days or the next 60 days, we have to look out for what is going to happen over the next year or the next two years,

and what is really best in the long run, given the reality that we think may occur. For me that reality is the commissioning and operation of the Seabrook nuclear power plant. Under those circumstances, given what we feel is the best possible solution, as the only party in this whole process that is constitutionally in a position to defend the rate payers of the State of New Hampshire, the opportunity that we have before us now, to limit that liability, and get on to other issues that are seriously confronting this State. I urge your support of HB 1.

SENATOR ST. JEAN: After some thought on this pending piece of legislation, I have decided not to support this piece of legislation and I will tell you why. Not having gone to the Harvard Business School, it doesn't take an individual too long to realize that not many people are very comfortable in this chamber with this deal coming down. Senator Dupont and Senator Bartlett, as Senator Preston mentioned, extracted more, in two days, out of Northeast Utilities than our negotiating team has in the months of litigation they spent at the table. I listened to our negotiating team explain how they didn't have any cards, if you go into a deal and I do deals all the time, and this is will be better than interstate banking. This deal would secure my livelihood for some time to come. And I don't say that to be facetious. The 5.5 percent rate increases are going to be devastating on people in this State. Let us not kid ourselves. It is just going to be devastating. I think that what happened in this whole deal, and I will be quite candid with you and Senator Preston alluded to it. This summer when the governor said to us that Yes, the State can endure the 5.5 percent rate increases, all of a sudden the value of that company went from 1.9 billion dollars to 2.3. And low and behold, who is going to pay for it, the rate payers. In Judd Gregg's world, who has never really had to have a job in his life, he is a little bit different than most of us in this chamber; he, I am sure, actually believes that the average person can absorb rate increases of that magnitude. I hate to tell the Governor that in the real world where you work and get weekly paychecks that you can't afford those rate increases. And I don't think that anybody in this Senate feels comfortable with junk bond guys getting made whole. What other bankruptcy does anybody know of that they get paid out a 100 cents on the dollar. If that is a good deal, then you tell your constituents that this is the best deal I could make. I applaud the Senate President for at least having some sanity brought into this situation. I think what drove this deal from the beginning was the Governor that never really got involved in the process and a negotiating team that went in unarmed thinking they didn't have any cards to play. A good friend of mine, who happens to be a bankruptcy attorney, is a Republican from Bedford. I

handed the plan to him a week and a half ago. He has as much experience as anybody at the bankruptcy table and he said with a normal bankruptcy you figure what the earnings are, you figure out what the value is and then you follow the bankruptcy code down to see which creditor is going to get paid in full and which creditor isn't. And you know, sometimes, the junk bond holders don't get paid in full. It just happens some time. They don't get their 17 percent. They don't even get paid their principle. The unsecured creditors, sometimes they don't get paid in full either; never mind interest. And the equity holders, forget it. It is history. This is a great deal. Everybody was on board, everybody was happy. The one group that gets it stuck to them in this deal, and I think we all know that, is the rate payer of this State. John Kroger of the BIA, a refugee from Mass., he was happy in this deal until that loop-hole got plugged up that his rates could go down to 3 or 3 1/2 percent with the Business and Industry Association and large users. No wonder he applauded the deal. The rates, let me tell you, if you think they are going to be 5, 5 and 1/2 percent, I tell you they are going to be higher. They are going to be on the order of 7 to 9 percent and if we were concerned about our economic competitiveness in the State of New Hampshire, let me tell you we are going to be the highest in the Northeast. And if you think that is going to attract businesses to this State, I am sorry, but I don't think it is. I just looked at the numbers, and for me it just didn't make sense, and that is why I am voting against this deal.

SENATOR DUPONT: Senator Preston, I do appreciate your kind remarks and the kind remarks of all the members of the Senate. I have done something a little bit different today that I haven't done too many times in the last few years, and that is prepared a written speech. I did it not because I didn't want to forget anything but anyone who has spoken to me on this issue knows that I have the tendency to ramble on and on and on and given the length of time that we have today to deal with this issue I felt that I would spare you the arduous task of listening to me talk about electric issues in the Senate.

I commented yesterday that I was having a difficult time with this decision because I was trying to decide what to do based on what my heart and what my conscience was telling me, and what my head was telling me. Many people in the past have called me a heartless conservative, so I think probably many people were surprised that I did have a heart and I made that announcement yesterday. The decision that we have today in front of us is like many that those of us who are employers in the Senate have faced many times in the past. We have long time employees that, as time goes by their perform-

ance isn't quite what it was up to when we hired them. They are sometime cantankerous and difficult to deal with and maybe not as flexible as we would like to see, and stuck in their ways, but they have given us years of service and although the thought of bringing some new blood in to replace them is always in the forefront of our minds, when we think of them we can't bring ourselves to do it. I am in that kind of position with PSNH. They are an old employee of the State and this is a difficult time for the people of New Hampshire who are the company's employer. I would also be remiss if I didn't mention the employees of PSNH. The financial negotiations never considered the impact that an agreement would have on these 1800 employees until the last few days. And while much criticism was heaped on the company, some of it unfairly, there is no doubt in my mind who PSNH is, the backbone of any company is the employee, not the stock holders or the chairman of the board. For they can't be successful without the cooperation of the employees and most of those 1800 people are New Hampshire people and we should be proud of the fact that they have stuck with us during this difficult time. I would also like to commend John Duffett not just for recognizing the need to worry about his employees but also for what happens after NU ultimately takes control of this company. His willingness to help during the transition period will be sincerely appreciated by the people of New Hampshire. Today will also be a step forward in our attempt to insure adequate supplies of energy for years to come in New Hampshire. Today, we will rectify a problem which we created several years ago, a problem which has jeopardized our ability to bring on line new sources of power, a problem which lies at the core of the situation we face today. With the passage of this bill, our fears for the future will be put behind us and we will have a company capable of providing the energy which is so crucial to our State's economic vitality. My concern has always been the failure of the system, and that system includes the Legislature, the PUC and also the company, to deal with the problem of this bankruptcy before this happened. And while I have had some problems with the State, the way the State has negotiated this bankruptcy, my own failure to try and solve this problem in the past has always been difficult for me to face, particularly during the last two weeks. Ladies and gentlemen, I don't like the deal any better than any of you do. But I stand here today and I tell you we missed the opportunity to solve this problem when we let the company go into bankruptcy. And that is what we ought to be talking about today, not the deal that we have in front of us but our own inability to resolve this issue before it got to a point where we could no longer control our destiny. Lastly, I have no problems with NU. In fact, during our discussions with them over the last couple of weeks, I have devel-

oped a great deal of respect for their expertise and for Bill Ellis and his staff. They have conducted themselves admirably and I wish them great success. When this is all over, I will stand willing to help them serve the people of New Hampshire. Ultimately, when we make this decision, it is not a decision about our failure or the failure of the system that we make today, but it is our attempt, my attempt and the Legislature's attempt to do what is right for the State of New Hampshire. And I urge you all to consider that when you make your vote. I have been critical of the plan in the past, and I think that has been productive for the State. But today, I believe the choice is NU and I think that choice is clear. In closing, I would like to thank Senator Bartlett for his willingness to stand up against all those who said his concerns were strictly political and I especially appreciate that because he took all the heat and today I have gotten at least half the credit. And that is an enviable position for a politician to be in. I mention Senator Bartlett because I think today you can all be proud as members of the New Hampshire Senate because I think he has put something in your hands today that is a Senate position and something we should all be proud of.

Recess.

Out of Recess.

Senator Bartlett in the Chair.

Senator Freese offered a floor amendment.

SENATOR FREESE: Over all, this proposed legislation is to set policy for a rate plan but does not select a specific plan proponent or approve a specific plan. It specially authorizes PUC to evaluate and approve a qualifying rate plan to resolve the PSNH bankruptcy. These are a few of the things that it does: Rates no higher than two 5.5 percent increases and up to five 4.5 percent increases excepting only changes in fuel and power costs and government required or approved programs. Conventional non-leverage public utility capital structure. Approval only by the PUC and bankruptcy court, no federal agencies involved. Proponent has no walk away options. Least-cost power purchases. There are no bells or whistles, there are no collars, rings or adders. It must be a part of a confirmed bankruptcy plan. Directs expedited PUC hearing on qualifying rate plan 90 days in all and a shortened appeal. It directs 5.5 temporary rate increases as of 1/1/90 and that is refundable. It is the closest to traditional rate making that you can get. There is no FERC, no holding company subsidiaries, and we have no control over the holding company. PSNH does not have a holding company. Holding companies many times are a way to get money up, through, and out. This is not so

with this bill that I am proposing. PUC would retain control over generation and transmission of PSNH facilities. I want to say just a bit more about the rates. The rate increases are held at just the two annual increases, as I have mentioned 5.5 followed by 5 or fewer annual increases of 4.5 percent. This level of rate increases is within the range that the Governor and the Business and Industry Association have repeatedly called reasonable and manageable. My amendment to HB 1, the Freese Bill, is stand alone legislation, provides a way for PUC to approve rates that should be lower. It further provides for the bankruptcy judge to approve or disapprove, not only what the PUC has done, but more importantly to approve the allocation of the resultant cash flow to the various interests in accordance with the current unfair consensus or more likely to his sense of fairness. In spite of the fact that PSNH is no longer fighting for its life opposing Northeast Utilities, John Duffett, president of PSNH has been quoted as saying the PSNH plan is still before the court and has not been removed from the table. Keep in mind when you vote today, that rank and file New Hampshire citizens, the constituency you represent and the people who elected you to this body want you to kill Northeast Utility plan in favor of PSNH. Are you going to disregard their wishes? Throughout the last ten years, in spite of insurmountable financial burdens caused by numerous outside forces beyond PSNH control, such problems brought on by constant changing of the rules out of Washington, high inflation and elevated interest charges during the early 1980's, the on-going activities of the anti-Seabrook forces and the anti-CWIP statute established by the legislature, PSNH has given us reliable, steady, uninterrupted energy supply to support New Hampshire's expanding economy and needs at reasonable rates for over sixty years, even during the bankruptcy. As far as management is concerned, it is rated one of the most efficient of all power producers in the entire country. We have enjoyed the fruits of that effort for the most part exemplified by better jobs, increased pay and personal financial security. I ask you my Senate colleagues, where is our sense of fair play, conciliation and indebtedness? Where is our sense of honor, decency and compassion? If you vote to support my floor amendment today to HB 1, you can look at yourself in the mirror tomorrow with a clear conscience.

Recess.

Out of Recess.

Senator Bond in the chair.

SENATOR PRESTON: For most of us here this is the first time we have been exposed to this piece of legislation, if you had the opportunity, Senator Freese, could you vote for SB 2 that would give time to February 1st that might allow more time for consideration of a piece like this?

SENATOR FREESE: That would be a very acceptable alternative, yes.

Recess.

Out of Recess.

Senator Bartlett in the Chair.

SENATOR DUPONT: I rise in opposition to the floor amendment that you have in front of you today, and Senator Freese, with all due respect I do this, because I know how hard you have worked over the last few weeks to show your support to PSNH. As you also know, Senator Freese, I spent a considerable amount of my time working on behalf of the company. Today, I am truly sorry that the outcome couldn't have been different. I think we share many of the same feelings. However, I stand today to urge my colleagues in the Senate to vote down the floor amendment to HB 1. I think we need to send a clear message out of this chamber today, a clear message over to the House that we agree with what they have sent over to us. And for that reason, I would urge the Senate vote down HB 1 amendment as offered by Senator Freese.

Amendment failed.

Senator Preston offered a floor amendment.

SENATOR PRESTON: I just want to make the legislative intent clear on this matter. If you recall, in years past, the Republican governor at the time, all members of the Congressional delegation and I think all politicians unanimously fought any efforts to have a waste dump in the town of Hillsboro. And some years past, I think it was 84 or 85 that we did pass such legislation. The purpose of this, I want to make it clear for the record, is not to muddle up anything that has been done to the agreement but to make certain that our actions on the floor today, at least for those of you who vote affirmatively, would in no way preempt what we have done in the past and would prevent out-of-state waste to be dumped here, whether it be Hillsboro or at Seabrook or anywhere else. And that is all it does. I think it is something that a lot of you have voted on in the past and that is the legislative intent.

SENATOR DUPONT: I would like to just bring a couple of issues to the Senate's attention at this point in time, and Senator Preston, I appreciate the intent of what you are trying to do. RSA 125:77-B is a prohibition against receiving, storing or disposing of any radioactive waste in the State or within the coastal jurisdiction of the State. The very end of that section also clearly says that under no circumstances shall spent nuclear fuel rods from any other plant or storage facility be received for on-site storage. The prohibition already exists in State law, and what was given to me also says that this may be unconstitutional and I bring that to the attention of the Senate because clearly as much as we probably can't take any comfort in it, Senator Preston, and I know that you probably would agree with that assessment, federal law preempts State authority when it comes to dealing with low-level and high-level nuclear waste. So we can put another statute on the books but it clearly is not going to do anything other than further muddy the waters over whose jurisdiction this is. And the fact that it is already in State law, indicates some comfort to me if you are concerned with having it in place, Senator Preston.

SENATOR TORR: Senator Preston, by the statement in here, it says transport into the State of New Hampshire, if the State of Maine was transporting waste from the State of Maine to a western site, would this prohibit them from transporting it through the state?

SENATOR PRESTON: As I read the statute, it says right here for disposal is prohibited. Transportation of low-level, high-level radioactive waste for disposal is prohibited. Delivered here for disposal here, that is the intent of the legislation.

SENATOR TORR: Would you believe, Senator Preston, that is not very clear in my opinion. And I really think we are getting into a territory that is not appropriate.

SENATOR PRESTON: No, I would not believe that. It says "not withstanding any law, rule to the contrary." And it goes on to say that northern New England low-level radioactive management corp for disposal in New Hampshire. Now if you really believe that you don't want those wastes stored in New Hampshire, I don't think you should have a problem with that bill. And if there is a question of being unconstitutional, and we might err, let's err on the side of substantiating what we did some time ago here. Either you do want to allow it or you don't want to allow it. This says we don't want to allow it.

SENATOR HEATH: Senator Dupont, because sometimes in recent years the court has argued from a negative that is if we fail to pass something they have used that in some of their decisions. In an attempt to get on the record legislative intent, would you agree that it is the intent of those of us who vote against this legislation that we are doing it solely and singly because we already have a good, as tight as we can, piece of legislation on the books and that it would be redundant and time wasting to repeat that legislation and not because there is a soul in this Senate who wants New Hampshire to be the repository of other states' low and high level waste?

SENATOR DUPONT: I would agree with that 100 percent, and I can't help but admire the good intentions of Senator Preston. The last time he had a piece of legislation that dealt with the transportation of waste, we found out it might have closed the Navy yard down. So I don't want to do anything here today that doesn't specifically address what his concerns are. And in reading this it sounds very, very good, but, on the other hand, it is already in the statutes and clearly as we went through that last process of siting a repository in the State, I think we all understand the issue, we all understand the concerns of our constituents. Seabrook will or does have a license after it operates to store its own fuel rods on site and deal with its own low-level waste. It clearly would be unable to take anybody else's spent rods back into the State of New Hampshire.

SENATOR NELSON: Senator Dupont, I just have a clarification. I understand the law and all that, but is there any loophole in there in terms of ownership, if in fact, this bill passes and now this outfit is owned by another company. Does it prohibit the transportation of material from one company to another even if it is in ownership?

SENATOR DUPONT: Senator Nelson, it says "however, under no circumstances shall spent nuclear fuel rods from any other plant or storage facility be received for on-site storage". I think that clearly implicates that it doesn't matter whose materials they are, they can't come from any place out side of the State. This statute specifically deals with allowing a facility in the State of New Hampshire to deal with its own waste and not deal with any one else's.

SENATOR NELSON: This allows the State of New Hampshire to deal with its own waste and no one else's waste. If this company becomes Northeast Utility, and this happens to come on line, I'm just trying to understand.

SENATOR DUPONT: Not only this statute, but federal law that would deal with the storage of nuclear waste would prevent them from bringing waste into the State. The other interesting point that

I would bring up is, I believe that Connecticut and New Jersey have a contract already in place on low-level waste so that shouldn't be a concern for the people of New Hampshire. So maybe we are one step behind them, so I don't think it is an issue.

SENATOR NELSON: I appreciate you taking the time and energy to bring that statute on, Senator Dupont, you also, besides storage, did mention disposal, I am sure, and you know that the Governor of Idaho met the people at the line and said you ain't bringing it in here. I don't know if they had any agreement, I'm just thinking how quickly things can change.

SENATOR BLAISDELL: I support the amendment by Senator Preston. I have listened for twenty years about legislative intent, and I have seen statutes that have been copied. I see no harm in passing this in this legislature today to give some intent to whoever is going to administer this to be sure. I have been to the Hillsboros of the world. I have sat through all those hearings. I have listened to the people, and they are deeply concerned about this particular problem. I think this is one way of insuring that it won't happen here in New Hampshire.

SENATOR CURRIER: Hillsboro is not the only town involved with the nuclear waste issue. In fact, it is Windsor, Bradford, Henniker. It all resides in district 7. Unfortunately, I don't share district 7 with you, fellow Senators and I have a major concern with this nuclear waste. We can't send it up to Laconia, if in fact, Mr. Ellis has some need for additional storage space. I have had a concern about this for a long time. It has really been one of the issues that has not received very much attention. In discussion with Mr. Ellis as early as this morning with regard to the issue, he assured me that they have no intention or need to send spent Connecticut nuclear fuel to New Hampshire. Northeast has, or will have, (and I am not sure what will have means) adequate storage for their Connecticut facilities. What scares me is that Northeast Utilities is the largest nuclear dependent utility in the country. As I said, we in district 7 have a jumpy attitude with regards to nuclear waste and I would urge that we pass this amendment because I think that each time we emphasize the fact that we don't want nuclear waste stored in New Hampshire the better off we are going to be.

SENATOR DUPONT: Obviously, the Senate feels strongly that they need to continue to send the message that the storage of nuclear materials in New Hampshire that aren't generated within New Hampshire, is one that is of importance to them. I have already outlined the fact that because there is federal statute that preempt

state law on this issue that the amendment in essence would have no affect, but I certainly have no problems at this point in time if the Senate wants to reaffirm that message and send it over to the House with this amendment on it. We ought to consider the concerns of the members of the Senate and I would entertain that opportunity by allowing to vote on this.

Floor Amendment HB 1-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to authorizing public utilities commission approval of
the plan for the reorganization of Public Service Company
of New Hampshire and prohibiting utilities from
transporting radioactive waste into
New Hampshire for disposal
in New Hampshire.

Amend RSA 362-C as inserted by section 1 of the bill by inserting after section 7 the following new section:

362-C:7-a Transportation of Low-Level and High-Level Radioactive Waste for Disposal Prohibited. Notwithstanding any law or rule to the contrary, no utility shall transport into the state of New Hampshire any low-level or high-level radioactive waste, as defined in Article II of RSA 125-E:1, the Northern New England Low-Level Radioactive Waste Management Compact, for disposal in New Hampshire.

AMENDED ANALYSIS

This bill authorizes the public utilities commission to determine whether an agreement executed by the governor and the attorney general, on behalf of the state of New Hampshire, and Northeast Utilities on November 22, 1989, relating to the reorganization of Public Service Company of New Hampshire, is consistent with the public good. If the commission determines that the agreement is consistent with the public good, it shall establish and place into effect levels of rates and the fuel and purchased power adjustment clause to be maintained by Public Service Company, or its successor, in a manner consistent with the agreement.

If an alternative reorganization plan, which is any reorganization plan filed in the Public Service Company (PSC) bankruptcy case other than the Northeast Utilities plan, is filed, the commission is authorized to implement such an alternative reorganization plan, as long as it will result in the same or lower costs and risks to ratepayers as those which would have resulted from implementation of the agreement.

Under this bill, the commission is to establish a temporary retail rate increase, effective January 1, 1990, of 5.5 percent, either under the agreement or under an alternative reorganization plan. This temporary increase in revenue is to be held in escrow by an escrow agent approved by the commission and disposed of as provided in the approved agreement or plan.

Once the commission approves and implements the agreement or an alternative reorganization plan, it may not alter or modify its implementation of such agreement or plan, including any rates fixed thereunder.

This bill also requires the public utilities commission to establish a 5.5 percent temporary rate surcharge, effective January 1, 1990, for the retail electric rates of the New Hampshire Electric Cooperative, Inc. to be held in escrow. The bill authorizes the public utilities commission to approve a rate plan proposed by the New Hampshire Electric Cooperative, Inc., if such plan is consistent with the public good. If no plan is approved within 90 days of the effective date of a PSC bankruptcy plan, the temporary rate surcharge shall terminate and the revenues collected shall be returned to customers.

This bill prohibits, during the fixed rate term of an approved agreement or plan, a change in the allocation of base rate revenue responsibility among residential, commercial, industrial, municipal customers, in effect as of September 15, 1989, unless the commission finds that due to peculiar circumstances such allocation is unjust and unreasonable and the legislature approves such a finding.

The bill requires legislative approval for any modifications in an approved agreement or plan made in accordance with such agreement or plan which could potentially increase rates.

The bill insures that nothing in an approved agreement or plan shall restrict access to PSC's, or its successor's, power supply and transmission resources for PSC's existing New Hampshire firm wholesale and transmission utility customers.

The bill adds a new provision to the law which requires each electric utility which enters into an agreement for a term of more than one year for the purchase of generating capacity, transmission capacity or energy to furnish a copy of such agreement to the commission when the agreement is filed with the Federal Energy Regulatory Commission or at the time such agreement is executed, whichever is appropriate. The commission may disallow amounts paid by the utility under the agreement, if the commission finds the transaction was not in the public interest.

The bill prohibits any utility from transporting any low-level or high-level radioactive waste into New Hampshire for disposal in New Hampshire.

Amendment adopted.

Senator Preston moved to have **HB 1** Laid on the Table.

Division Vote: 8 Yeas 15 Nays

Motion failed.

Senator Dupont moved the previous question.

Adopted.

Ordered to Third Reading.

Senators Preston, King, Nelson, Johnson, St. Jean, Krasker, Freese, and Disnard wished to be recorded as opposed to the motion.

INTRODUCTION OF SENATE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered Special Session SB 1-FN and Special Session SB 2-FN, shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading

Special Session SB 1, authorizing public utilities commission approval of a rate plan for reorganization of Public Service Company of New Hampshire, under certain conditions.

Special Session SB 2, setting a temporary rate increase for retail customers of Public Service Company, or its successor, and requiring certain legislative action.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules of the Senate be so far suspended as to allow for the holding of a hearing and committee reports without previous notice in the calendar.

Adopted.

COMMITTEE REPORTS

Special Session SB 1, authorizing public utilities commission approval of a rate plan for reorganization of Public Service Company of New Hampshire, under certain conditions.

Without recommendation. Senator Dupont for the Committee.

SENATOR DUPONT: There was no recommendation from the committee because of the uncertainty over the impact of what this piece of legislation would do based on what we understand was going to happen in HB 1. Clearly we were unsure because we only had this bill and not the NU bill in front of us; we felt uncomfortable with the position we were in on both bills and felt that we ought not to recommend one company over the other until both were before the Senate. Obviously, because PSNH has now decided to withdraw and support the NU plan there is no need for this bill to go forward.

SENATOR FREESE: I really sort of addressed this in the amendment and I don't wish to make any more comments.

Senator Johnson moved to Lay **Special Session SB 1**, authorizing public utilities commission approval of a rate plan for reorganization of Public Service Company of New Hampshire, under certain conditions on the Table.

Adopted.

Special Session SB 2, setting a temporary rate increase for retail customers of Public Service Company, or its successor, and requiring certain legislative action.

Ought to Pass. Senator Dupont for the Committee.

SENATOR DUPONT: Obviously at the time when this legislation was in committee we were unsure of what was going to ultimately happen in the House with the NU proposal. And also at that point in time we had the Public Service Company proposal still before us. In light of the actions of recent days, it has become clear that the necessity for delaying is no longer there. Prior to the action on this bill, we passed HB 1 which is the resolution to the bankruptcy. Although the recommendation was ought to pass, clearly this bill is not necessary at this time.

SENATOR JOHNSON: We have talked a little bit about spent rods this afternoon, I don't know what one looks like, but I know what one feels like. I am pleased to know that this body is wide awake and they didn't need a nuclear reaction to bring them out here. In light of that I now move that SB 2 be laid on the table.

Senator Johnson moved to Lay **Special Session SB 2** setting a temporary rate increase for retail customers of Public Service Company, or its successor, and requiring certain legislative action on the Table.

Adopted.

SUSPENSION OF RULES

Senator Dupont moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

Special Session HB 1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire and prohibiting utilities from transporting radioactive waste into New Hampshire for disposal in New Hampshire.

Adopted.

Recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bill sent down from the Senate.

HB 1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public Service Company of New Hampshire and prohibiting utilities from transporting radioactive waste into New Hampshire for disposal in New Hampshire.

Senator Dupont moved that the Senate be in recess for the sole purpose of receiving House messages and Enrolled Bill Reports and that when we adjourn we adjourn to the joint call of the chairs of the Senate President and the Speaker of the House.

Adopted.

December 15, 1989

Recess.

Out of Recess.

Senator Dupont in the Chair.

ENROLLED BILLS REPORT

Special Session HB 1-FN, relative to authorizing public utilities commission approval of the plan for the reorganization of Public

Service Company of New Hampshire and prohibiting utilities from transporting radioactive waste into New Hampshire for disposal in New Hampshire.

Senator Bond for the Committee.

Adopted.

Adjournment.

STATE OF NEW HAMPSHIRE

ORGANIZATIONAL DAY

January 3, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, help us to do better in our work as we start the New Year!

Grant that the failures of the past may help us to plug the loopholes of the future.

Happy New Year to each and every one of you and your families!
Amen

Senator Krasker led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

INTRODUCTION OF NEW SENATE STAFF

Ken Murphy	Legal Counsel
Brian Porto	Senate Research
Michael Rose	Legislative Aid to Minority Office
Brenda Mento	Calendar Clerk
Tammy Wright	Office Aide - Senate Clerk's Office
Janelle King	Transportation Committee
Leona Hotin	Education Committee
Pat Waldvogel	Development, Recreation and Environment Committee
	Interstate Cooperation Committee

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention at 1:30 p.m. for the purpose of listening to an address by His Excellency, Governor Judd Gregg.

Recess.

Out of Recess.

RESOLUTION

Senators Blaisdell and Hough offered a resolution in memory of Wilmont White.

SENATOR BLAISDELL: This is a resolution presented to the family of Wilmont White. I got through the last one but I don't think I can get through this one. And I am going to ask Senator Hough to take over.

MEMORIALIZING WILMONT "BILL" WHITE

WHEREAS, a resolution is a means whereby the Senate of the State of New Hampshire may pay tribute to those individuals who have served the state with distinction, and

WHEREAS, we acknowledge with great sorrow the death of Wilmont "Bill" White, who served the New Hampshire State Senate as its Clerk from 1960 until 1989, and

WHEREAS, Bill first came to the State House in 1961 as a Special Assistant to then Speaker of the House Stewart Lamprey, a post he held until 1964, and

WHEREAS, he was a member of the American Society of Legislative Clerks and Secretaries and had recently been elected a member of that organization's Executive Committee, and

WHEREAS, throughout his tenure as Senate Clerk he served under eight Senate Presidents, gaining a knowledge of the Senate and Parliamentary Procedure that was unequaled among his peers, and

WHEREAS, Bill's love of the game of golf was well known, and the Legislative Golf Tournaments which he helped to organize will be fondly remembered, NOW THEREFORE

BE IT RESOLVED, that the Senate of the State of New Hampshire does hereby recognize and salute a dear friend who will be missed, AND BE IT

FURTHER RESOLVED, that a copy of the Resolution be prepared for presentation to his family.

Signed by all 24 Senators.

SENATOR BARTLETT: We started the year off pretty well, Bill White and the Governor's message. I tell you, all we can go is up hill from here on. I would like to welcome you back and I hope you did enjoy the holiday season. I'm not sure, but my notes say here we are looking forward to the coming months, but as I talk with you, I think that we are probably looking forward to the day that we can complete the work at the hand.

Some of the major dates for this session are that we will meet again on Thursday January 11, 1990 at 2:30 in the afternoon. We will handle re-referred bills and any other pieces of legislation that the committee chairmen can put together for this body to vote on. The 18th of January is the day we have to act on money bills. We have 54 of them, approximately half of our Senate legislation is money legislation. So it looks like we will be meeting January 11th, 16th, 18th, and we hope to meet one more day to finish the Senate legislation. We will do that either the last week in January or the first week in February. So you can look at the 11th, 16th, and 18th as days which we will be handling legislation from the floor. With the exception of the 11th we will meet at 1:00 in the afternoon. February 25th is crossover day. February 19th to March 2, 1990, we will be in recess. I assume that you all have received the letter indicating the rest of the deadlines set forth by joint rules. Gloria, Carol and all the staff have done their best to put together a schedule that will allow you to best utilize your time here in Concord. You all have experience and know what the process requires and you know how to get the work done as was proven last year. We ask you to travel to use your time most efficiently. I realize that travel is not a major expense but anything we can do to cut down the expenses would be appreciated. If you travel to Concord, make it fit in the time schedule as well as you can. There were some comments out there about tight schedules. Yes, we do have a tight schedule, but I found most everyone thinks that is where we should be. It's your decision. And that the thing that it's going to take and will be most important to the State of New Hampshire is the part of the Governor's speech that dealt with the budget. There is no question we have a shortfall in revenues. Every State in the Northeast has a shortfall in revenues. We are a little bit different. We think we can handle our shortfall and we are going to be able to do it without all the fanfare that everyone else has set. I take no great pleasure in seeing our sister states, especially Massachusetts, having trouble. If you live in the border towns, you realize how important it is to us that Massachusetts do well in their technology today, and part of the problem we have is a direct fallout from the problems of Massachusetts. There is not going to be too much money to be spent on new projects. Therefore, I am asking the Senate to continue to work together as group. I think that the meetings

that we have had today have indicated, from both Republicans and Democrats, that the problems that we have are non-partisan. They're New Hampshire problems and we are going to address them that way and I thank Senator Preston for his willingness to work with us and Senator Dupont. They've met together and talked together and they are willing to work as one to solve our problems. This spirit of cooperation is very important. We have exercised it in the past and I see no reason why we won't do it now. I am not going to be hypocritical and tell you that we are going to have a successful session and you are going to get all the things that you want. The success we have in this session is going to be directly related to how we handle the budgetary problems of this State. I think we will do that. It may not be easy and it won't be easy. I'll just close in saying my door has been open in the past. It is going to continue to be open to hear both suggestions and complaints. If we continue to work together as we have in the past, we will solve the problems and Senators will walk out of here with their heads high when we adjourn this spring. Thank you very much.

INTRODUCTION OF SENATE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 301 through 410, SCR 1 and 2, SJR 1, and CACR 26 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

SB 301-FN, relative to licensing commercial vehicle drivers. (Bond of Dist. 1 - To Transportation)

SB 302, relative to the Mount Washington Commission. (Bond of Dist. 1 - To Development, Recreation and Environment)

SB 303-FN-A, making a supplemental appropriation for school building aid. (Hough of Dist. 5; Blaisdell of Dist. 10 - To Finance)

SB 304-FN-A, making a supplemental appropriation for catastrophic special education aid. (Hough of Dist. 5; Blaisdell of Dist. 10 - To Finance)

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns. (Magee of Dist. 12 - To Executive Departments)

SB 306, extending the reporting date for the committee to study corporal punishment and the licensing and regulation of private kindergartens and nursery schools in the state. (Podles of Dist. 16 - To Judiciary)

SB 307-FN, relative to state employee retiree dependent medical insurance. (Magee of Dist. 12; Hough of Dist. 5 - To Insurance)

SB 308, relative to wildlife guides. (Bond of Dist. 1; Sherburne of Rockingham Dist. 2 - To Development, Recreation and Environment)

SB 309-FN-A, establishing a New Hampshire Heritage Trail and making an appropriation therefor. (Disnard of Dist. 8; McLane of Dist. 15; Bond of Dist. 1 - To Development, Recreation and Environment)

SB 310, increasing the amount of security deposit that may be required for tenancy. (Magee of Dist. 12 - To Public Affairs)

SB 311, relative to eviction of a tenant for nonpayment of rent. (Magee of Dist. 12 - To Public Affairs)

SB 312-FN-A, relative to the affordable housing fund and making an appropriation therefor. (King of Dist. 2 - To Internal Affairs)

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor. (Nelson of Dist. 13; Magee of Dist. 12; Baldizar of Hillsborough Dist. 22; Record of Hillsborough Dist. 23; Drabinowicz of Hillsborough Dist. 32 - To Internal Affairs)

SB 314-FN, relative to the New Hampshire energy authority. (Preston of Dist. 23 - To Internal Affairs)

SB 315-FN, relative to health insurance for retired municipal employees. (Nelson of Dist. 13 - To Insurance)

SB 316-FN-A, relative to the governor's education improvement program and making an appropriation therefor. (Disnard of Dist. 8 - Education)

SB 317, relative to the New Hampshire energy authority. (Dupont of Dist. 6 - To Internal Affairs)

SB 318, to change the county commissioner districts in Hillsborough County. (Magee of Dist. 12; Ahrens of Hillsborough Dist. 13; Record of Hillsborough Dist. 23 - To Internal Affairs)

SB 319, relative to a uniform principal and income act. (McLane of Dist. 15 - To Public Affairs)

SB 320-FN, relative to court-ordered commitments. (Dupont of Dist. 6; Sytek of Rockingham Dist. 20 - To Judiciary)

SB 321, relative to group health insurance. (Delahunty of Dist. 22; Fraser of Merrimack Dist. 6; Krueger of Sullivan Dist. 6 - To Insurance)

SB 322, allowing courts to collect rent arrearages after an appeal is filed. (Magee of Dist. 12 - To Public Affairs)

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex. (Dupont of Dist. 6; Phelps of Merrimack Dist. 1 - To Capital Budget)

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor. (Torr of Dist. 21 - To Capital Budget)

SB 325, relative to a construction mortgage holder's fiduciary duties to mechanics' lienholders at foreclosure sales. (Torr of Dist. 21; Wright of Rockingham Dist. 23 - To Judiciary)

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor. (Dupont of Dist. 6; Hough of Dist. 5 - To Internal Affairs)

SB 327-FN, relative to a state-sponsored credit card program. (King of Dist. 2; Preston of Dist. 23 - To Banks)

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough. (Heath of Dist. 3; Foster of Carroll Dist. 4 - To Development, Recreation and Environment)

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages. (Bartlett of Dist. 19; Phelps of Merrimack Dist. 1 - To Executive Departments)

SB 330-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for elderly care providers and making an appropriation therefor. (Podles of Dist. 16; Parks of Strafford Dist. 6 - To Finance)

SB 331, relative to Loon Mountain water supply for snowmaking. (King of Dist. 2; Bass of Dist. 11; Currier of Dist. 7; Dupont of Dist. 6; Stewart of Grafton Dist. 4; Dickinson of Carroll Dist. 2; LaMott of Grafton Dist. 5; Phelps of Merrimack Dist. 1; Markley of Grafton Dist. 6 - To Development, Recreation and Environment)

SB 332, relative to electing zoning board of adjustment members. (King of Dist. 2 - To Public Affairs)

SB 333-FN-A, making a supplemental appropriation to aid the visually impaired. (Nelson of Dist. 13; Dupont of Dist. 6; Green of Hillsborough Dist. 36 - To Finance)

SB 334-FN, allowing the town of Ellsworth to establish a school district. (King of Dist. 2; Markley of Grafton Dist. 6 - To Education)

SB 335-FN, relative to the department of libraries, arts, and historical resources. (Krasker of Dist. 24; Gross of Merrimack Dist. 16 - To Executive Departments)

SB 336, relative to the statute of limitations on prosecutions for bad checks. (Heath of Dist. 3 - To Judiciary)

SB 337, relative to interpreting zoning ordinances. (Heath of Dist. 3 - To Public Affairs)

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect. (Podles of Dist. 16; Wallner of Merrimack Dist. 21 - To Executive Departments)

SB 339-FN, relative to licensure of mobile barbershops. (Freese of Dist. 4 - To Executive Departments)

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor. (Nelson of Dist. 13; Dupont of Dist. 6; Freese of Dist. 4; Hough of Dist. 5; Charbonneau of Dist. 14; Baldizar of Hillsborough Dist. 22 - To Public Institutions, Health and Human Services)

SB 341-FN, establishing the home mortgage guarantee authority. (Freese of Dist. 4; Krueger of Sullivan Dist. 6 - To Banks)

SB 342, relative to sailboards and flotation devices. (Magee of Dist. 12 - To Development, Recreation and Environment)

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system. (Blaisdell of Dist. 10; McLane of Dist. 15; Hough of Dist. 5; Torr of Dist. 21 - To Insurance)

SB 344-FN, relative to septic tanks and holding tanks. (Blaisdell of Dist. 10 - Development, Recreation and Environment)

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority. (Torr of Dist. 21; Phelps of Merrimack Dist. 1 - To Finance)

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Blaisdell of Dist. 10; Hough of Dist. 5; Torr of Dist. 21; McLane of Dist. 15 - To Insurance)

SB 347-FN, to provide an automatic cost of living adjustment for group I retirement system members. (Blaisdell of Dist. 10; McLane of Dist. 15; Torr of Dist. 21; Hough of Dist. 5 - To Insurance)

SB 348-FN, relative to local school boards. (Freese of Dist. 4; Tsiros of Strafford Dist. 2; Stewart of Strafford Dist. 1; Swope of Strafford Dist. 1 - To Public Affairs)

SB 349-FN, relative to special meetings of school districts. (Freese of Dist. 4; Tsiros of Strafford Dist. 2; Stewart of Strafford Dist. 1; Swope of Strafford Dist. 1 - To Public Affairs)

SB 350-A, relative to office building construction and making an appropriation therefor. (Torr of Dist. 21 - To Capital Budget)

SB 351, relative to the powers of the Pease Air Force Base Redevelopment Commission. (Dupont of Dist. 6 - To Internal Affairs)

SB 352-FN, establishing time payment schedules for court-ordered fines for misdemeanors or violations. (Heath of Dist. 3; Preston of Dist. 23; Roberge of Dist. 9; Delahunty of Dist. 22; G. Katsakiores of Rockingham Dist. 7 - To Judiciary)

SB 353-FN, requiring state agencies to purchase recycled paper products. (Podles of Dist. 16 - To Development, Recreation and Environment)

SB 354-FN, relative to temporary emergency motor vehicle registration. (King of Dist. 2 - To Transportation)

SB 355-FN, relative to regional vocational education. (Hough of Dist. 5 - To Education)

SB 356-FN-A, providing administrative support to the personnel appeals board and making an appropriation therefor. (Freese of Dist. 4 - To Executive Departments)

SB 357-FN, relative to titles for antique motor cars. (Freese of Dist. 4 - To Transportation)

SB 358, modifying the subdivision approval process for minor subdivisions. (Heath of Dist. 3; Charbonneau of Dist. 14 - To Public Affairs)

SB 359, relative to modifying planning board procedures on plats. (Heath of Dist. 3; Charbonneau of Dist. 14 - To Public Affairs)

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies. (Preston of Dist. 23; Dupont of Dist. 6; Chambers of Grafton Dist. 12; Vartanian of Rockingham Dist. 20 - To Internal Affairs)

SB 361, relative to radon gas. (Bass of Dist. 11 - To Development, Recreation and Environment)

SB 362, relative to reporting requirements for political committees. (Bass of Dist. 11 - To Public Affairs)

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters. (Delahunty of Dist. 22; Fraser of Merrimack Dist. 6 - To Insurance)

SB 364-FN, relative to the sale of fish and game licenses. (Magee of Dist. 12 - To Development, Recreation and Environment)

SB 365-FN, relative to service areas for purposes of certificate of need. (Delahunty of Dist. 22; Currier of Dist. 7 - To Public Institutions, Health and Human Services)

SB 366-FN, relative to procedures in imposing court-ordered fines for misdemeanors or violations. (Heath of Dist. 3; Preston of Dist. 23; Roberge of Dist. 9; Delahunty of Dist. 22; G. Katsakiores of Rockingham Dist. 7 - To Judiciary)

SB 367-FN, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988. (Nelson of Dist. 13 - To Insurance)

SB 368-FN, establishing a system of state financial incentives to stimulate a paper recycling industry in the North Country. (Podles of Dist. 16 - To Interstate Cooperation)

SB 369-FN, relative to proper disposal of compost waste material. (Podles of Dist. 16 - To Interstate Cooperation)

SB 370-FN, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant. (Johnson of Dist. 17; Bond of Dist. 1; Heath of Dist. 3; Sherburne of Rockingham Dist. 2 - To Transportation)

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations. (Bass of Dist. 11 - To Executive Departments)

SB 372-FN, relative to motor vehicle license suspension. (Heath of Dist. 3; Roberge of Dist. 9; Delahunty of Dist. 22; G. Katsakiores of Rockingham Dist. 7 - To Transportation)

SB 373-FN-A, relative to home education and making an appropriation therefor. (Disnard of Dist. 8; Robinson of Hillsborough Dist. 12 - To Education)

SB 374-FN, establishing a study committee to examine probate court reporting requirements. (Podles of Dist. 16 - To Public Affairs)

SB 375-FN, relative to simulcast wagering. (Delahunty of Dist. 22; Blaisdell of Dist. 10 - To Ways and Means)

SB 376-FN-A, relative to alcohol and drug testing and appropriating funds for expenses for such testing from the drug forfeiture fund. (Dupont of Dist. 6; Phelps of Merrimack Dist. 1 - To Transportation)

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system. (Delahunty of Dist. 22 - To Insurance)

SB 378-FN, making technical amendments to the liquor laws. (Bartlett of Dist. 19 - To Executive Departments)

SB 379-FN, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership. (Krasker of Dist. 24; Roberge of Dist. 9; Hager of Merrimack Dist. 21; Hill of Merrimack Dist. 14 - To Public Institutions, Health and Human Services)

SB 380, establishing a procedure for including additional natural science practitioners under the board of natural scientists. (Roberge of Dist. 9; Goulet of Hillsborough Dist. 11; Stewart of Strafford Dist. 1; Bowers of Hillsborough Dist. 11; McCain of Rockingham Dist. 11 - To Executive Departments)

SB 381-FN-A, relative to an increase in the AFDC standard of need and making an appropriation therefor. (McLane of Dist. 15; Pappas of Hillsborough Dist. 37; Pignatelli of Hillsborough Dist. 31; Wheeler of Strafford Dist. 4 - To Public Institutions, Health and Human Services)

SB 382-FN-A, relative to the emergency assistance program for AFDC recipients and making an appropriation therefor. (McLane of Dist. 15; Pignatelli of Hillsborough Dist. 31; Wallner of Merrimack Dist. 21; Wheeler of Strafford Dist. 4 - To Public Institutions, Health and Human Services)

SB 383-FN, relative to a vocational center in Claremont. (Disnard of Dist. 8 - To Education)

SB 384-FN-A, relative to medical examiners and making an appropriation therefor. (Hough of Dist. 5; Torr of Dist. 21; Sytek of Rockingham Dist. 20; Tarpley of Hillsborough Dist. 9; Gage of Rockingham Dist. 13 - To Internal Affairs)

SB 385-FN, authorizing the department of safety to perform DWI chemical testing. (Podles of Dist. 16; Roberge of Dist. 9; Charbonneau of Dist. 14; Heath of Dist. 3 - To Transportation)

SB 386, relative to the town of Lincoln's water supply. (King of Dist. 2; Stewart of Grafton Dist. 4; Markley of Grafton Dist. 6; Driscoll of Grafton Dist. 8; Sherburne of Rockingham Dist. 2 - To Development, Recreation and Environment)

SB 387, relative to insurance of accounts. (Blaisdell of Dist. 10 - To Banks)

SB 388, relative to ski patrol personnel qualifications and licensing. (Currier of Dist. 7 - To Executive Departments)

SB 389, relative to non-privileged communications in marital mediation proceedings. (Nelson of Dist. 13; Podles of Dist. 16; Jacobson of Merrimack Dist. 2 - To Judiciary)

SB 390, relative to laws regarding abuse and neglect of children. (Podles of Dist. 16; Charbonneau of Dist. 14; Roberge of Dist. 9; Bean of Grafton Dist. 13 - To Judiciary)

SB 391-FN, relative to confidential communications between certain victims and counselors. (Krasker of Dist. 24; Podles of Dist. 16; Roberge of Dist. 9; Hough of Dist. 5; Hollingworth of Rockingham Dist. 17 - To Judiciary)

SB 392-FN, relative to the Spaulding Turnpike. (Dupont of Dist. 6; Torr of Dist. 21 - To Capital Budget)

SB 393-FN-A, relative to recycling and establishing a recycling fund and continually appropriating the fund for recycling and waste disposal purposes. (Podles of Dist. 16 - To Development, Recreation and Environment)

SB 394-FN, relative to non-recurring adoption expenses and foreign adoptions. (Roberge of Dist. 9; Podles of Dist. 16; Charbonneau of Dist. 14; Domini of Sullivan Dist. 5; Pignatelli of Hillsborough Dist. 31 - To Public Institutions, Health and Human Services)

SB 395-FN, establishing a committee to study the loss of property tax revenue in cities and towns with tax-exempt institutions. (King of Dist. 2; Bennett of Grafton Dist. 8; Driscoll of Grafton Dist. 8 - To Ways and Means)

SB 396-FN, relative to drivers' license suspensions for drug offenses. (Roberge of Dist. 9; Currier of Dist. 7; Charbonneau of Dist. 14; Podles of Dist. 16; Jasper of Hillsborough Dist. 19; Spencer of Strafford Dist. 4 - To Transportation)

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents. (Roberge of Dist. 9; Charbonneau of Dist. 14; Podles of Dist. 16; Jasper of Hillsborough Dist. 19; Spencer of Strafford Dist. 4 - To Transportation)

SB 398, relative to the east-west highway study. (Dupont of Dist. 6; Johnson of Dist. 17; Torr of Dist. 21; Brown of Strafford Dist. 11 - To Capital Budget)

SB 399-FN, lowering the level from .10 to .08 for legal intoxication under the DWI laws. (Roberge of Dist. 9; Charbonneau of Dist. 14; Podles of Dist. 16; Spencer of Strafford Dist. 4 - To Transportation)

SB 400-A, increasing the appropriation for constructing regional vocational education centers. (Disnard of Dist. 8; Flint of Sullivan Dist. 2; Robinson of Hillsborough Dist. 12 - To Education)

SB 401-FN, relative to fines imposed for DWI. (Roberge of Dist. 9; Charbonneau of Dist. 14; Podles of Dist. 16; Jasper of Hillsborough Dist. 19; Spencer of Strafford Dist. 4 - To Transportation)

SB 402-FN-A, reinstating certain positions in the insurance department and making an appropriation therefor. (Delahunty of Dist. 22; Fraser of Merrimack Dist. 6; Krueger of Sullivan Dist. 6 - To Internal Affairs)

SB 403-FN, relative to a health insurance risk pool for uninsurables. (Delahunty of Dist. 22; Fraser of Merrimack Dist. 6 - To Insurance)

SB 404-FN, establishing a household hazardous waste management program. (Podles of Dist. 16 - To Development, Recreation and Environment)

SB 405-FN, relative to accounting procedures and risk retention of insurance companies. (Delahunty of Dist. 22; Fraser of Merrimack Dist. 6 - To Interstate Cooperation)

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share. (Torr of Dist. 21; Freese of Dist. 4; Hawkins of Belknap Dist. 5 - To Insurance)

SB 407-FN, to establish the salary and retirement eligibility of the director of the police standards and training council. (Dupont of Dist. 6 - To Internal Affairs)

SB 408-FN, relative to alcohol offenses, transporting alcoholic beverages, and children in need of services. (Podles of Dist. 16 - To Judiciary)

SB 409-FN, relative to school attendance as a condition of issuance of drivers' licenses to minors. (Delahunty of Dist. 22; Disnard of Dist. 8; Bolduc of Belknap Dist 10; Skinner of Rockingham Dist. 21 - To Education)

SB 410-FN, relative to display of materials which are harmful to minors. (Roberge of Dist. 9 - To Judiciary)

SCR 1, requesting the teaching of the nation's founding and related documents in New Hampshire public high schools. (Heath of Dist. 3 - To Education)

SCR 2, urging that Fast Day be treated as "I Love New Hampshire Day". (St. Jean of Dist. 20; Charbonneau of Dist. 14 - To Public Affairs)

CACR 26, Relating to: revenue base sharing. Providing that: each year at least 50 percent of all general fund revenues resulting from any new taxes and increases in rates of existing taxes be returned to the cities, towns, school districts, and counties to assist in property tax relief. (King of Dist. 2; Disnard of Dist. 8; Currier of Dist. 7; Krasker of Dist. 24; Arnesen of Grafton Dist. 7; Baldizar of Hillsborough Dist. 22 - To Ways and Means)

SJR 1, naming the Kenneth M. Tarr Health Care Facilities. (McLane of Dist. 15; LaMott of Grafton Dist. 5 - To Public Affairs)

RESOLUTION

Senator Dupont offered the following Resolution:

Resolved that any action taken by the Senate to introduce, refer to committee and schedule hearings for Senate bills numbered 301-FN through 410-FN, and SCR 1, SCR 2, CACR 26 and SJR 1 are hereby legalized, ratified, approved and confirmed.

Adopted.

RESOLUTION

Senator Hough offered the following Resolution:

Resolved that the rules of the 1988-1989 session be adopted as the rules of the 1990 session until amended.

Adopted.

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until January 11, 1990 at 2:30 p.m.

Adopted.

LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjournment

January 11, 1990

The Senate met at 2:30 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, the people of New Hampshire await their fate, economically, and quality of life, from the controversial bills now facing us! Help Us Lord!!

Amen

Senator Hough led the Pledge of Allegiance.

INTRODUCTION OF GUESTS**INTRODUCTION OF SENATE BILLS**

Senator Dupont offered the following Resolution:

Resolved, that in accordance with Joint Rule 4-A (b), allowing bill introduction after the deadline **SB 411-FN** an act to establish a committee to study the economic impact of state-mandated programs on municipalities, school districts, and counties, is by this resolution read a first and second time and referred to the Committee on Internal Affairs.

Adopted.

First and Second Reading and Referral

SB 411-FN, to establish a committee to study the economic impact of state-mandated programs on municipalities, school districts, and counties. (To Internal Affairs) (King)

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 149-730 and 108-759 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control. (Dev, Rec & Env)

HB 355, relative to the African Development Bank. (Banks)

HB 382-FN-A, to establish a procedure to assess earth products for real estate taxation purposes. (Dev, Rec & Env)

HB 490, establishing a speed limit on a portion of the Connecticut River and relative to ski craft hearings. (Dev, Rec & Env)

HB 530-FN, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war. (Interstate Coop)

HB 563, relative to land surveyors and condominiums. (Exec. Depts)

HB 596-FN, limiting personal liability of certain fire department, emergency service, and rescue squad members. (Judiciary)

HB 612-FN, establishing a committee to study nursing home care costs paid by counties. (Pub. Institutions, Health & Human Services)

HB 631-FN, relative to railroad consolidation with other public utilities or common carriers. (Transportation)

HB 639-FN, relative to the disposition of acquired or abandoned rail properties. (Capital Budget)

HB 685-FN, relative to tenant evictions. (Public Affairs)

HB 716, to codify certain boating and water safety rules. (Dev, Rec & Env)

HB 731, dedicating the state police barracks in Milford. (Capital Budget)

HB 756-FN, relative to cluster development and multi-family dwellings. (Public Affairs)

HB 730-FN, relative to local cease and desist orders for zoning, planning and code violations. (Public Affairs)

HB 108-FN, licensing massage practitioners and massage establishments. (Exec. Depts.)

HB 348-FN, relative to damages from construction. (Judiciary)

HB 363-FN, relative to the issuing of trapping licenses. (Dev, Rec & Env)

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts. (Finance)

HB 514, relative to rulemaking authority of the director, division of public health services. (Interstate Cooperation)

HB 519-FN, relative to minimum standards for modular buildings. (Public Institutions, Health and Human Services)

HB 552-FN, relative to assessment of conservation lands. (Internal Affairs)

HB 575-FN, relative to campaign financing. (Public Affairs)

HB 670-FN, relative to public accommodation of physically handicapped persons. (Public Affairs)

HB 674-FN, relative to the Catastrophic Aid Act. (Public Institutions, Health and Human Services)

HB 723-FN, regarding the acid rain control act. (Dev., Rec., & Env)

HB 745-FN, relative to the hazardous material transportation advisory board. (Transportation)

HB 746-FN, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees. (Dev., Rec., & Env.)

HB 759-FN, relative to electronic surveillance in drug investigations. (Judiciary)

HOUSE MESSAGE

The House of Representatives has passed a Resolution with the following title, in the passage of which it asks the concurrence of the Senate:

HCR 20, Joint Rules for the 1990 Legislative Session.

RESOLUTION

Senator Hough offered the following Resolution.

Resolved that the Senate pass and adopt **HCR 20** joint rules for the 1990 legislative session as passed by the House of Representatives.

HCR 20

RESOLVED, by the House of Representatives, the Senate concurring:

That the General Court adopt as the joint rules for 1990 the joint rules of 1989 with the following amendments:

Amend Joint Rule 10 as follows:

10. In the second-year session, final action, excluding action on enrolled bills committee reports, shall be taken by each house on all bills and joint resolutions as follows:

(a) In the originating body:

January 18 - Deadline for Policy Committees to report all money bills.

February 8 - Deadline for Policy Committees to report all non-money bills.

February 15 - Deadline for originating body to take action on all bills (Crossover)

(b) In the non-originating body:

March 22 - Deadline for Policy Committees to report all money bills.

March 29 - Deadline for Policy Committees to report all non-money bills.

April 3 - Deadline for Committees on Appropriations/Finance to report all bills.

April 12 - Deadline for non-originating body to take action on all bills.

(c) Both bodies shall take final action on all Committee of Conference reports no later than April 19.

(d) All bills shall be submitted to the Governor no later than April 23.

(e) When each body adjourns it shall adjourn to the joint call of the President of the Senate and the Speaker of the House.

Further amend the Joint Rules by omitting Rules 12 and 19.

Adopted

COMMITTEE REPORTS

HB 250-FN, relative to the classified personnel system

Ought to Pass with Amendment. Senator Freese for the committee.

SENATOR FREESE: HB 250 is a rereferred bill relative to the State of New Hampshire classified personnel system. It is the result of a two year study by the task force aided by professional consultant Peat Warwick, and has been further studied and refined by the Senate Executive Departments Committee after being rereferred to them last year during the 1989 Session. The new performance management system, so called, replaces one that is archaic, costly to operate, inefficient and out-of-date. If you pass this amended bill today, and it is accepted by the House, you will be rectifying a lot of inequities of the present system, greatly improving the morale of our 10,000 odd State employees, and creating new career paths which are presently nonexistent. At the present time, there are many State employees whose career paths are limited to a certain salary grade for the life of their employment. You don't motivate people who are stuck in this sort of a system. There are too many generic jobs for which there is no pay for performance and little promotional opportunity. And, quite frankly, management skills need to be strengthened. The new system addresses all these factors and decentralizes the personnel operation providing every agency and every department of any size with a trained person in personnel matters, presently nonexistent. Every State employee would be reviewed and evaluated periodically. They will know their weaknesses and their strengths. They will be helped to overcome their weaknesses and recognized for their strengths. This system encourages and provides more communication, a trait our current operation very much lacks. Each employee would have a supplemental job description besides a broader classification which tailors that job responsibility to that particular agency or department where that employee works and allows accountability points for merit and performance consideration. Just a few further comments. Under this bill, the performance management system utilizes a salary table with 21 grades and 8 steps, as opposed to the present system of 34 grades and 5 steps. Step increases in steps 1 through 4 can be granted yearly, if warranted by documented work performance. The

bill places incumbent classified employees at a salary step in the new labor grade which most closely matches but not less than the employees current salary as of June 30, 1989. The implementation of step increases for employees placed in steps 5, 6, 7 and 8 is dependent upon budgetary appropriations in the next biennium. In order to facilitate the transition to the performance management system, the bill provides authority for the disposition of all pending appeals for request of reclassification and reallocation. The bill amends RSA 21,1:57 to clarify the procedure for appealing an allocation for the generic job classification in the new job performance management system, and restricts the Director of Personnel authority to develop the new generic job classification as a result of an employee or a department initiated appeal. The bill imposes a moratorium of one year upon the filing of requests for review or an appeal and of allocation in the new performance management system. The cost of implementation for fiscal year 1991 is \$1,412,668. \$791,000 of that will be used from the general fund. HB 250-FN as amended by the Senate Executive Departments committee is truly a state of the art piece of legislation and the committee hopes you will send it along to the House without further delay by route of the Finance Committee of the Senate.

SENATOR DISNARD: Senator Freese, is it my understanding or am I sure in my belief that the Governor's office will support the fiscal as discussed in our committee?

SENATOR FREESE: Yes. They worked for this with the committee on the fiscal figure and that is correct, Senator.

SENATOR BOND: Senator Freese, the fiscal impact, which I have here, indicates that by the year 1992, the impact will be just short of \$5 million. That is just in the bill as it stands before any negotiated increases that might occur on top of that?

SENATOR FREESE: I wasn't privileged to work up this fiscal impact. It was done by the Legislative Budget Office and I presume that these are accurate, and whether we fund it or not will depend on whether these funds are available in the years that we need them.

SENATOR BOND: My question is, are we not paying a great deal of money for making the system more efficient and how does that justify the change in the system?

SENATOR FREESE: The present system has been in effect since the early 1950's, Senator Bond, and it really is just a control system. It is not a state of the art system where you have a career path for these people, where you can evaluate these people on a regular ba-

sis, and give the ones a little help that are not doing well and recognize people that do well. I just think that we are way overdue to update this system. And this is what the cost is and we have been over this and over this and this is a much less expensive way to do it, to increase it over a period of three years rather than to appropriate the money for the three years all at one time.

SENATOR BOND: Am I correct, Senator Freese, in interpreting your remarks as meaning that you believe that this will improve the quality of personnel performance of the employees of the State of New Hampshire?

SENATOR FREESE: Without a question.

SENATOR MC LANE: I have two questions. First of all, how much money did this study cost?

SENATOR FREESE: I don't know when we paid the bills but I think somewhere over \$100,000.

SENATOR MC LANE: My second question is, in some states such as the State of Washington, they have had a problem with gender equity between women employees and men employees. Would this bill prevent us from having such a suit in the State of New Hampshire?

SENATOR FREESE: That was a concern of the SEA, and one of the big concerns. And one of the objections last year: They have now been working with the personnel department and their only concern at the present time is that the funding is not all there this year for the total implementation. But I think that the only way we are going to be able to implement it is by steps.

SENATOR HEATH: I rise in direct opposition to this piece of legislation. We have a financial crisis whether we like it or not. And we had better start making the shoe fit or we are looking at new taxes. And I am going to be up here during the session voting and speaking against increases in fees and taxes. And if I am going to do that I am going to have to vote against some goodies. If you wash the saw dust out of this bill, it is a \$10 million pay raise and job security act, and that is all that it is. And without getting into the details of it, you know it, you can read between the lines as well as the lines themselves. If you are going to address the fiscal crisis, you have got to start doing it in this part of the session, you can't wait until the end. Here is your first opportunity to start taking some fiscally conservative measures so that we don't pile trouble upon trouble and come up with a walloping tax increase at the end of the session to resolve it so we can get home during the hot summer.

Amendment to HB 250-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Legislative Intent; Adoption of Task Force Recommendations.

I. It is the intent of this bill to implement the recommendations of the personnel system task force which recently studied the classification system for classified state employees. It is not the intent of this bill to interfere with or complicate in any way the negotiation process between the state and its employees.

II. The general court finds that a new and modernized personnel system is essential for recognizing and managing one of the state's major resources, its classified state employees. Therefore, in order to revise, modernize and improve the human resources policies and procedures vital to the effective operation of state government and to maximize the use of general funds allocated for personnel services, the general court declares the following to be consistent with the policy and objectives of the state:

(a) The personnel system task force, established by 1986, 12:2, has recommended a new position classification plan and performance appraisal system, to be called the performance management system, which the general court recognizes as consistent with RSA 21-I:42, II and RSA 21-I:42, XIII and hereby accepts as state policy.

(b) The recommendations of the personnel system task force concerning the state personnel system are consistent with the legislative intent of reorganization under RSA 21-G:2, II. In addition, the new performance management system facilitates communication between state employees and managers, thereby improving the administrative capabilities of state agencies to utilize human resources in a productive and effective manner.

(c) This performance management system complies with the purpose, operational structure and standard terminology defined in RSA 21-G:6 by establishing clear lines of accountability, reducing the complexity of the executive branch workforce, protecting the classification process from either conscious or inadvertent bias, and improving policy coordination within state agencies.

III. Therefore, the general court hereby directs the director of the division of personnel to implement the performance management system as the new position classification plan required under RSA 21-I:42, II and as the performance evaluation system required under RSA 21-I:42, XIII.

2 Review and Disposition of Pending Reclassification and Reallocation Requests and Appeals. Notwithstanding any other provision of law, all requests for reclassification or reallocation pending under

RSA 21-I:57 as of June 5, 1989 shall be reviewed by the director of personnel. The director shall decide, based upon the rules and criteria in effect on June 5, 1989, whether the position under review should be reclassified or reallocated under the previous classification plan in effect on June 5, 1989. The employee or department head shall have the right to appeal the director's decision to the personnel appeals board which shall consider whether the employee was properly allocated or classified under the classification plan or director's rules in effect on June 5, 1989. If the board or director determines that a position was not properly classified or allocated under the classification plan in effect as of June 5, 1989, it shall award retroactive pay for the period beginning on the first pay period starting 45 days after the filing of the request and ending on July 1, 1990. All appeals pending before the personnel appeals board on July 1, 1990 shall be decided in accordance with the rules and criteria in effect on June 5, 1989. If the board determines that the position was not properly classified or allocated under the classification plan in effect on June 5, 1989, it shall award retroactive pay for the period beginning on the first pay period starting 45 days after the filing of the request and ending on July 1, 1990.

3 Allocation Review. RSA 21-I:57 is repealed and reenacted to read as follows:

21-I:57 Allocation Review. An employee or department head, or both, affected by the allocation of a position to a generic job classification, may institute an appeal of the allocation by filing a request with the director of personnel in accordance with procedures and standards set forth in the technical assistance manual developed under RSA 21-I:42, XV. The director, after due consideration of how that employee's responsibilities and duties relate to the responsibilities and duties of similar positions throughout the state, shall decide where the position under appeal shall be allocated in the classification plan developed under RSA 21-I:42, II. The employee or department head, or both, shall have the right to appeal the director's decision to the personnel appeals board in accordance with rules adopted by the board under RSA 541-A. If the board determines that an individual is not properly allocated in accordance with the classification plan, director's rules, or the technical assistance manual, it may issue an order requiring the director to reallocate the position to an appropriate generic job classification in the classification plan developed under RSA 21-I:42, II. Pursuant to this section, the director of personnel shall not establish any new generic job classifications.

4 Requests for Reclassification or Reallocation. Notwithstanding any other provision of law, neither the director of personnel nor the personnel appeals board shall consider any request for review or

appeal of a classification or allocation under the classification plan developed under RSA 21-I:42, II until July 1, 1991. As of July 1, 1991, all requests for review or appeal of classifications or allocations shall be brought under RSA 21-I:57. The request for review or appeal shall be limited to determining whether the position is properly allocated to a generic job classification.

5 Review of Classification or Allocation by the Director of Personnel. Pursuant to RSA 21-I:42, the director of personnel may initiate a review of a position classification or position allocation due to a change in the state budget, a statutory reorganization, an increase in federal requirements, or a change in the duties and responsibilities of a position, and may, after such review, periodically amend the classification plan, subject to the approval of the fiscal committee of the general court and the governor and council.

6 Salaries Established. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing July 1, 1990 shall be established as follows:

Labor		Step 8						
Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Maximum
1 ANN	12,031.50	12,402.00	12,772.50	13,162.50	13,552.50	13,962.00	14,371.50	14,800.50
BI-WK	462.75	477.00	491.25	506.25	521.25	537.00	552.75	569.25
HRLY	6.17	6.36	6.55	6.75	6.95	7.16	7.37	7.59
2 ANN	12,772.50	13,162.50	13,552.50	13,962.00	14,371.50	14,800.50	15,249.00	16,341.00
BI-WK	491.25	506.25	521.25	537.00	552.75	569.25	586.50	628.50
HRLY	6.55	6.75	6.95	7.16	7.37	7.59	7.82	8.38
3 ANN	13,552.50	13,962.00	14,371.50	14,800.50	15,249.00	16,341.00	16,965.00	17,647.50
BI-WK	521.25	537.00	552.75	569.25	586.50	628.50	652.50	678.75
HRLY	6.95	7.16	7.37	7.59	7.82	8.38	8.70	9.05
4 ANN	14,508.00	15,093.00	15,697.50	16,341.00	16,965.00	17,647.50	18,369.00	19,110.00
BI-WK	558.00	580.50	603.75	628.50	652.50	678.75	706.50	735.00
HRLY	7.44	7.74	8.05	8.38	8.70	9.05	9.42	9.80
5 ANN	15,697.50	16,341.00	16,965.00	17,647.50	18,369.00	19,110.00	19,870.50	20,689.50
BI-WK	603.75	628.50	652.50	678.75	706.50	735.00	764.25	795.75
HRLY	8.05	8.38	8.70	9.05	9.42	9.80	10.19	10.61
6 ANN	16,965.00	17,647.50	18,369.00	19,110.00	19,870.50	20,689.50	21,528.00	22,542.00
BI-WK	652.50	678.75	706.50	735.00	764.25	795.75	828.00	867.00
HRLY	8.70	9.05	9.42	9.80	10.19	10.61	11.04	11.56
7 ANN	18,369.00	19,110.00	19,870.50	20,689.50	21,528.00	22,542.00	23,497.50	24,531.00
BI-WK	706.50	735.00	764.25	795.75	828.00	867.00	903.75	943.50
HRLY	9.42	9.80	10.19	10.61	11.04	11.56	12.05	12.58
8 ANN	19,929.00	20,787.00	21,645.00	22,542.00	23,497.50	24,531.00	25,545.00	26,676.00
BI-WK	766.50	799.50	832.50	867.00	903.75	943.50	982.50	1,026.00
HRLY	10.22	10.66	11.10	11.56	12.05	12.58	13.10	13.68
9 ANN	26,676.00	27,865.50	29,113.50	30,439.50	31,824.00	33,247.50	34,749.00	36,328.50
BI-WK	1,026.00	1,071.75	1,119.75	1,170.75	1,224.00	1,278.75	1,336.50	1,397.25
HRLY	13.68	14.29	14.93	15.61	16.32	17.05	17.82	18.63

10 ANN	23,497.50	24,531.00	25,545.00	26,676.00	27,807.00	28,996.50	30,244.50	31,824.00
BI-WK	903.75	943.50	982.50	1,026.00	1,069.50	1,115.25	1,163.25	1,224.00
HRLY	12.05	12.58	13.10	13.68	14.26	14.87	15.51	16.32
11 ANN	25,545.00	26,676.00	27,807.00	28,996.50	30,244.50	31,824.00	33,247.50	34,749.00
BI-WK	982.50	1,026.00	1,069.50	1,115.25	1,163.25	1,224.00	1,278.75	1,336.50
HRLY	13.10	13.68	14.26	14.87	15.51	16.32	17.05	17.82
12 ANN	26,676.00	27,865.50	29,113.50	30,439.50	31,824.00	33,247.50	34,749.00	36,328.50
BI-WK	1,026.00	1,071.75	1,119.75	1,170.75	1,224.00	1,278.75	1,336.50	1,397.25
HRLY	13.68	14.29	14.93	15.61	16.32	17.05	17.82	18.63
13 ANN	27,865.50	29,113.50	30,439.50	31,824.00	33,247.50	34,749.00	36,328.50	37,947.00
BI-WK	1,071.75	1,119.75	1,170.75	1,224.00	1,278.75	1,336.50	1,397.25	1,459.50
HRLY	14.29	14.93	15.61	16.32	17.05	17.82	18.63	19.46
14 ANN	29,113.50	30,439.50	31,824.00	33,247.50	34,749.00	36,328.50	37,947.00	39,643.50
BI-WK	1,119.75	1,170.75	1,224.00	1,278.75	1,336.50	1,397.25	1,459.50	1,524.75
HRLY	14.93	15.61	16.32	17.05	17.82	18.63	19.46	20.33
15 ANN	30,439.50	31,824.00	33,247.50	34,749.00	36,328.50	37,947.00	39,643.50	41,437.50
BI-WK	1,170.75	1,224.00	1,278.75	1,336.50	1,397.25	1,459.50	1,524.75	1,593.75
HRLY	15.61	16.32	17.05	17.82	18.63	19.46	20.33	21.25
16 ANN	31,824.00	33,247.50	34,749.00	36,328.50	37,947.00	39,643.50	41,437.50	43,309.50
BI-WK	1,224.00	1,278.75	1,336.50	1,397.25	1,459.50	1,524.75	1,593.75	1,665.75
HRLY	16.32	17.05	17.82	18.63	19.46	20.33	21.25	22.21
17 ANN	33,247.50	34,749.00	36,328.50	37,947.00	39,643.50	41,437.50	43,309.50	45,688.50
BI-WK	1,278.75	1,336.50	1,397.25	1,459.50	1,524.75	1,593.75	1,665.75	1,757.25
HRLY	17.05	17.82	18.63	19.46	20.33	21.25	22.21	23.43
18 ANN	34,749.00	36,328.50	37,947.00	39,643.50	41,437.50	43,309.50	45,688.50	47,853.00
BI-WK	1,336.50	1,397.25	1,459.50	1,524.75	1,593.75	1,665.75	1,757.25	1,840.50
HRLY	17.82	18.63	19.46	20.33	21.25	22.21	23.43	24.54
19 ANN	36,328.50	37,947.00	39,643.50	41,437.50	43,309.50	45,688.50	47,853.00	50,115.00
BI-WK	1,397.25	1,459.50	1,524.75	1,593.75	1,665.75	1,757.25	1,840.50	1,927.50
HRLY	18.63	19.46	20.33	21.25	22.21	23.43	24.54	25.70
20 ANN	37,947.00	39,760.50	41,652.00	43,582.50	45,688.50	47,853.00	50,115.00	52,513.50
BI-WK	1,459.50	1,529.25	1,602.00	1,676.25	1,757.25	1,840.50	1,927.50	2,019.75
HRLY	19.46	20.39	21.36	22.35	23.43	24.54	25.70	26.93
21 ANN	41,652.00	43,582.50	45,688.50	47,853.00	50,115.00	52,513.50	54,912.00	57,310.50
BI-WK	1,602.00	1,676.25	1,757.25	1,840.50	1,927.50	2,019.75	2,112.00	2,204.25
HRLY	21.36	22.35	23.43	24.54	25.70	26.93	28.16	29.39

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause change in academic work schedules.

7 Salaries Established. RSA 99:1-a is repealed and reenacted to read as follows:

99:1-a Salaries Established. The salary ranges for all classified state employees commencing October 5, 1990 shall be established as follows:

1	ANN	12,636.00	13,026.00	13,416.00	13,825.50	14,235.00	14,664.00	15,093.00	15,541.50
	BI-WK	486.00	501.00	516.00	531.75	547.50	564.00	580.50	597.75
	HRLY	6.48	6.68	6.88	7.09	7.30	7.52	7.74	7.97
2	ANN	13,416.00	13,825.50	14,235.00	14,664.00	15,093.00	15,541.50	16,009.50	17,160.00
	BI-WK	516.00	531.75	547.50	564.00	580.50	597.75	615.75	660.00
	HRLY	6.88	7.09	7.30	7.52	7.74	7.97	8.21	8.80
3	ANN	14,235.00	14,664.00	15,093.00	15,541.50	16,009.50	17,160.00	17,823.00	18,525.00
	BI-WK	547.50	564.00	580.50	597.75	615.75	660.00	685.50	712.50
	HRLY	7.30	7.52	7.74	7.97	8.21	8.80	9.14	9.50
4	ANN	15,229.50	15,853.50	16,477.50	17,160.00	17,823.00	18,525.00	19,285.50	20,065.50
	BI-WK	585.75	609.75	633.75	660.00	685.50	712.50	741.75	771.75
	HRLY	7.81	8.13	8.45	8.80	9.14	9.50	9.89	10.29
5	ANN	16,477.50	17,160.00	17,823.00	18,525.00	19,285.50	20,065.50	20,865.00	21,723.00
	BI-WK	633.75	660.00	685.50	712.50	741.75	771.75	802.50	835.50
	HRLY	8.45	8.80	9.14	9.50	9.89	10.29	10.70	11.14
6	ANN	17,823.00	18,525.00	19,285.50	20,065.50	20,865.00	21,723.00	22,600.50	23,673.00
	BI-WK	685.50	712.50	741.75	771.75	802.50	835.50	869.25	910.50
	HRLY	9.14	9.50	9.89	10.29	10.70	11.14	11.59	12.14
7	ANN	19,285.50	20,065.50	20,865.00	21,723.00	22,600.50	23,673.00	24,667.50	25,759.50
	BI-WK	741.75	771.75	802.50	835.50	869.25	910.50	948.75	990.75
	HRLY	9.89	10.29	10.70	11.14	11.59	12.14	12.65	13.21
8	ANN	20,923.50	21,820.50	22,737.00	23,673.00	24,667.50	25,759.50	26,832.00	28,002.00
	BI-WK	804.75	839.25	874.50	910.50	948.75	990.75	1,032.00	1,077.00
	HRLY	10.73	11.19	11.66	12.14	12.65	13.21	13.76	14.36
9	ANN	22,737.00	23,673.00	24,667.50	25,759.50	26,832.00	28,002.00	29,191.50	30,439.50
	BI-WK	874.50	910.50	948.75	990.75	1,032.00	1,077.00	1,122.75	1,170.75
	HRLY	11.66	12.14	12.65	13.21	13.76	14.36	14.97	15.61
10	ANN	24,667.50	25,759.50	26,832.00	28,002.00	29,191.50	30,439.50	31,765.50	33,423.00
	BI-WK	948.75	990.75	1,032.00	1,077.00	1,122.75	1,170.75	1,221.75	1,285.50
	HRLY	12.65	13.21	13.76	14.36	14.97	15.61	16.29	17.14
11	ANN	26,832.00	28,002.00	29,191.50	30,439.50	31,765.50	33,423.00	34,905.00	36,484.50
	BI-WK	1,032.00	1,077.00	1,122.75	1,170.75	1,221.75	1,285.50	1,342.50	1,403.25
	HRLY	13.76	14.36	14.97	15.61	16.29	17.14	17.90	18.71
12	ANN	28,002.00	29,250.00	30,576.00	31,960.50	33,423.00	34,905.00	36,484.50	38,142.00
	BI-WK	1,077.00	1,125.00	1,176.00	1,229.25	1,285.50	1,342.50	1,403.25	1,467.00
	HRLY	14.36	15.00	15.68	16.39	17.14	17.90	18.71	19.56
13	ANN	29,250.00	30,576.00	31,960.50	33,423.00	34,905.00	36,484.50	38,142.00	39,838.50
	BI-WK	1,125.00	1,176.00	1,229.25	1,285.50	1,342.50	1,403.25	1,467.00	1,532.25
	HRLY	15.00	15.68	16.39	17.14	17.90	18.71	19.56	20.43
14	ANN	30,576.00	31,960.50	33,423.00	34,905.00	36,484.50	38,142.00	39,838.50	41,632.50
	BI-WK	1,176.00	1,229.25	1,285.50	1,342.50	1,403.25	1,467.00	1,532.25	1,601.25
	HRLY	15.68	16.39	17.14	17.90	18.71	19.56	20.43	21.35
15	ANN	31,960.50	33,423.00	34,905.00	36,484.50	38,142.00	39,838.50	41,632.50	43,504.50
	BI-WK	1,229.25	1,285.50	1,342.50	1,403.25	1,467.00	1,532.25	1,601.25	1,673.25
	HRLY	16.39	17.14	17.90	18.71	19.56	20.43	21.35	22.31
16	ANN	33,423.00	34,905.00	36,484.50	38,142.00	39,838.50	41,632.50	43,504.50	45,474.00
	BI-WK	1,285.50	1,342.50	1,403.25	1,467.00	1,532.25	1,601.25	1,673.25	1,749.00
	HRLY	17.14	17.90	18.71	19.56	20.43	21.35	22.31	23.32
17	ANN	34,905.00	36,484.50	38,142.00	39,838.50	41,632.50	43,504.50	45,474.00	47,970.00
	BI-WK	1,342.50	1,403.25	1,467.00	1,532.25	1,601.25	1,673.25	1,749.00	1,845.00
	HRLY	17.90	18.71	19.56	20.43	21.35	22.31	23.32	24.60
18	ANN	36,484.50	38,142.00	39,838.50	41,632.50	43,504.50	45,474.00	47,970.00	50,251.50
	BI-WK	1,403.25	1,467.00	1,532.25	1,601.25	1,673.25	1,749.00	1,845.00	1,932.75
	HRLY	18.71	19.56	20.43	21.35	22.31	23.32	24.60	25.77

19 ANN	38,142.00	39,838.50	41,632.50	43,504.50	45,474.00	47,970.00	50,251.50	52,630.50
BI-WK	1,467.00	1,532.25	1,601.25	1,673.25	1,749.00	1,845.00	1,932.75	2,024.25
HRLY	19.56	20.43	21.35	22.31	23.32	24.60	25.77	26.99
20 ANN	39,838.50	41,749.50	43,738.50	45,766.50	47,970.00	50,251.50	52,630.50	55,146.00
BI-WK	1,532.25	1,605.75	1,682.25	1,760.25	1,845.00	1,932.75	2,024.25	2,121.00
HRLY	20.43	21.41	22.43	23.47	24.60	25.77	26.99	28.28
21 ANN	43,738.50	45,766.50	47,970.00	50,251.50	52,630.50	55,146.00	57,661.50	60,177.00
BI-WK	1,682.25	1,760.25	1,845.00	1,932.75	2,024.25	2,121.00	2,217.75	2,314.50
HRLY	22.43	23.47	24.60	25.77	26.99	28.28	29.57	30.86

The salary ranges provided herein for academic positions shall apply to those state employees in academic positions who work for an academic year which does not exceed 180 working days. Those academic employees working more than an academic year shall receive a pro rata increase in their salary based upon the number of additional working days per year. The intent of this section is to adjust the salaries of employees in academic positions. It is not intended to cause change in academic work schedules.

8 Position Allocation. Notwithstanding any other provision of law, each position in the classified service shall be allocated to a generic job classification and the salary for that position shall be determined accordingly.

9 Transition; Incumbents. Notwithstanding any other provision of law, all classified employees shall be placed within the salary ranges established by RSA 99:1-a in accordance with the labor grades assigned to their positions in the classification plan developed under RSA 21-I:42, II. Each classified employee shall be placed at the salary step in that employee's labor grade which is closest to, but not less than, the employee's current salary as of July 1, 1990. No employee's salary shall be reduced as a result of such placement.

10 Schedule for Step Increases. For each year starting July 1, 1990, upon recommendation of the appointing authority and as warranted by documented work performance in accordance with the requirements of RSA 21-I:42, XIII, the holder of any position in steps 1 through 4 shall be granted a salary step increase of one step on the next increment date following June 30, 1989, pursuant to the salary range established by RSA 99:1-a. Notwithstanding any other provision of law, the implementation of salary step increases for step 5 through step 8 is hereby made subject to budgetary appropriations, and no salary step increases for the holder of any position in salary steps 5 through 8 shall be granted in the biennium ending July 1, 1991.

11 Reference Change. Amend RSA 99:2(e) to read as follows:

(e) Other provisions of law notwithstanding, classified state employees who are totally disabled as a result of work-connected accidental injury shall be entitled to all workers' compensation bene-

fits under RSA [281] **281-A**, and by election of said employees, to sick or annual leave benefits except that the combination of workers' compensation and sick or annual leave benefits shall not exceed such employee's full pay, subject to payroll deductions with respect to sick or annual leave benefits; provided, however, that any employee on workers' compensation shall not be entitled to have each holiday added to annual leave accumulation; nor shall he be entitled to have any time added to sick or annual leave accumulation while on workers' compensation. The commissioner of administrative services is hereby directed to maintain separate accounts for the payment of wage benefits and medical costs pursuant to workers' compensation benefits for state employees.

12 Reference Change. Amend RSA 99:2-a to read as follows:

99:2-a Maintenance for Classified Employees. No classified employee shall receive any maintenance or payment in lieu thereof from the state, provided however that if quarters are available at any state institution or on any state property the department head thereof may assign to a classified employee such quarters, furnished or unfurnished, including only any or all of the following utilities: heat, fuel, gas, electricity and water; and provided further that a department head of a state agency which serves prepared meals may permit any classified employee to purchase such meals. Such employee shall reimburse the state for such quarters or meals at a rate to be determined by the [personnel commission] **division of personnel**. Provided further that all employees of New Hampshire hospital, Laconia developmental services, and Glencliff [Sanatorium] **home for the elderly**, who are required by the administration of their respective institution to wear uniforms or other required attire, shall be allowed to have said uniforms or required attire laundered at no cost to them by their respective institution and all employees of said institutions shall receive from regularly employed institutional physicians outpatient diagnostic screening and limited ambulatory treatment at no cost to them except for the filling of prescription drugs that might be indicated.

13 Reference Change. Amend RSA 99:4 to read as follows:

99:4 Salary Adjustment Fund. Whereas the appropriations for personal services in state departments and institutions include an annual increment for each position, and whereas upon occasion due to vacancies and personnel turnover, salaries, increment increases and longevity as provided by the appropriations are not needed for said positions, each quarter the department of administrative services shall transfer said amount from the departmental or institutional appropriation to a special account to be known as the salary adjustment fund. This fund shall lapse at the end of each fiscal year and revert to the appropriate fund. Under no circumstances will this

fund be used for temporary positions or new positions. Upon the certification of the director of personnel, subject to the approval of governor and council, the salary adjustment fund shall be available for transfer to departments and institutions in amounts that are deemed necessary to comply with RSA [98] 21-I.

14 Date Extended. Amend 1986, 12:2, II to read as follows:

II. There is hereby established a personnel system task force to carry out the intent of the general court as expressed in this act and in RSA 21-I:42 to develop a modern and effective classified personnel system for state government. The task force, unless specifically extended by an act of the general court, shall terminate on January 1, [1989] 1992.

15 New Subparagraph; Duty Added. Amend 1986, 12:2, V by inserting after subparagraph (g) the following new subparagraph:

(h) Review the operation of the performance management system, including the performance evaluation system, and prepare and submit a report with its findings and recommendations to the president of the senate, the speaker of the house, and the governor.

16 Members Continued. The members of the personnel system task force established in 1986, 12:2 as of December 31, 1988, insofar as possible, shall continue to serve on such task force until January 1, 1992.

17 Repeals. The following are repealed:

I. RSA 99:3, relative to increase in salary.

II. RSA 99:9, relative to classified employees.

18 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill directs the director of the division of personnel to implement the recommendations of the personnel system task force established by 1986, 12:2. The recommendations of the task force are to create a new position classification plan and performance appraisal system which would be called the performance management system.

Under this bill, the performance management system utilizes a salary table with 21 grades and 8 steps. Step increases in steps 1 through 4 are granted yearly if warranted by documented work performance. Step increases for employees placed in steps 5, 6, 7, and 8 is dependent upon budgetary appropriations in the next biennium.

The bill places incumbent classified employees at the salary step in the new labor grade which most closely matches, but is not less than, the employee's current salary as of June 30, 1989.

In order to facilitate the transition to the performance management system, the bill provides authority for the disposition of all pending appeals and requests for reclassification and reallocation.

The bill amends RSA 21-I:57 to clarify the procedure for appealing an allocation to a generic job classification in the new performance management system, and restricts the director of personnel's authority to develop new generic job classifications as a result of employee or department initiated appeals. The bill imposes a moratorium of one year upon the filing of a request for review or an appeal of an allocation in the new performance management system.

Amendment adopted.

Senator Freese offered a floor amendment.

SENATOR FREESE: This floor amendment simply does away with three paragraphs. It starts on page 11 in your calendar and if you go down to number 10, a few lines down on number 10 you will see that it says 1989. That should be 1990 and top of page 12, that paragraph is no longer in practice with the statute. And so, the amendment that you have before you, corrects the date from 1989 to 1990 and deletes the paragraph on the top of the page 99:2-a.

SENATOR MC LANE: Senator Freese, in the bottom part on repeals when it says the RSA 99:3 relative to increase in salary, I assume that that is not the repeal of the salary increase that has just gone through? Can you explain to me what that does mean?

SENATOR FREESE: I think this has to do with maybe some of the 5 percent increase but I am not sure what those repeals do. I think they are still in there except for one of them that is RSA 99:2-a relative to the maintenance of classified employees and that is no longer needed. Rather it adds that one.

Floor Amendment to HB 250-FN

Amend the bill by replacing section 10 with the following:

10 Schedule for Step Increases. For each year starting July 1, 1990, upon recommendation of the appointing authority and as warranted by documented work performance in accordance with the requirements of RSA 21-I:42, XIII, the holder of any position in steps 1 through 4 shall be granted a salary step increase of one step on the next increment date following July 1, 1990, pursuant to the salary range established by RSA 99:1-a. Notwithstanding any other provision of law, the implementation of salary step increases for step 5 through step 8 is hereby made subject to budgetary appropriations, and no salary step increases for the holder of any position in salary steps 5 through 8 shall be granted in the biennium ending July 1, 1991.

Amend the bill by deleting section 12 and renumbering sections 13-18 to read as 12-17, respectively.

Amend the bill by replacing section 16 with the following:

16 Repeals. The following are repealed:

- I. RSA 99:2-a, relative to maintenance for classified employees.
- II. RSA 99:3, relative to increase in salary.
- III. RSA 99:9, relative to classified employees.

AMENDED ANALYSIS

This bill directs the director of the division of personnel to implement the recommendations of the personnel system task force established by 1986, 12:2. The recommendations of the task force are to create a new position classification plan and performance appraisal system which would be called the performance management system.

Under this bill, the performance management system utilizes a salary table with 21 grades and 8 steps. Step increases in steps 1 through 4 are granted yearly if warranted by documented work performance. Step increases for employees placed in steps 5, 6, 7, and 8 is dependent upon budgetary appropriations in the next biennium.

The bill places incumbent classified employees at the salary step in the new labor grade which most closely matches, but is not less than, the employee's current salary as of July 1, 1990.

In order to facilitate the transition to the performance management system, the bill provides authority for the disposition of all pending appeals and requests for reclassification and reallocation. The bill amends RSA 21-I:57 to clarify the procedure for appealing an allocation to a generic job classification in the new performance management system, and restricts the director of personnel's authority to develop new generic job classifications as a result of employee or department initiated appeals. The bill imposes a moratorium of one year upon the filing of a request for review or an appeal of an allocation in the new performance management system.

The bill also repeals a law relative to maintenance of classified employees.

Amendment adopted. Referred to Finance (Rule #24)

Senator Nelson took Rule #42

HB 350-FN, relative to the unclassified personnel system and making an appropriation for a consultant fee.

Ought to Pass with Amendment. Senator Freese for the committee.

SENATOR FREESE: HB 350 was also rereferred to the Senate Executive Departments committee. Since last year when it went back to the committee, we have had numerous public hearings and work sessions. In fact, during the process, we sent the bill back to

the task force for further review and update due to the fact that the original HB 350 had been considerably impacted by later legislation which you will perhaps remember such as SB 273, HB 260 and others. What the task force did was to take all of the 244 unclassified positions and updated the statutes to include all of the new legislation. They then created a new listing for the current salary group in one column and in another made suggestions for changes to bring equity and balance to the system while at the same time making sure that the integrity of the matrix was maintained. After this very important work was accomplished by the task force, the committee seemed to feel some consistency and form was taking place and became much more comfortable with the progress that was being made. In fact, several more hearings and work sessions followed, resulting in changes and refinements by the committee until we arrived at the point of feeling that we have been able to develop a management tool that would be effective and much improved over the present arrangement. HB 350-FN changes 12 letter grades to 9 and sets up a leveling matrix listing responsibilities for each category. The letter grades start on page 1 and go through page 8. The matrix is the same as was included in the original HB 350 and it starts on page 16 in the old sheets. An incumbent whose salary range is decreased shall retain his current salary with all future increases as long as he remains in the current position. There were no negative votes cast by the committee and we recommend passage. On your desks, is the fiscal impact of HB 350-FN. The Department of Administrative Services indicates that this bill will increase state expenditures by \$453,214 in fiscal year 1992 and by an amount a little higher in 1993, and a few dollars higher in 1994. So they will be implemented in each of these years, if you pass this bill today, 1992, 1993, 1994 and be financed accordingly in those years.

SENATOR HEATH: This will be brief. You just made the \$10 million cake and now you have a million and half worth of decoration, if you want to put it on. I will be voting against taxes.

Amendment to HB 350-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the unclassified personnel system.

Amend the bill by replacing all after the enacting clause with the following:

1 Salaries Consolidated and Established; December 29, 1989. RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on December 29, 1989:

Group A \$21,656 - \$36,066

Director, veterans' council

Executive director, real estate commission

Executive assistant, adult parole board

Criminal justice investigators

Consumer protection investigators

Administrator of ski marketing and services

Mountain manager

Group B \$28,846 - \$39,684

Assistant state treasurer

Assistant secretary of state

Education and training officer

Senior industrial agents

Risk management administrator

Assistant to the commissioner of the department of resources
and economic development

Multistate auditors

Executive director, postsecondary education commission

Group C \$32,468 - \$43,283

Field audit team leader

Coordinator of highway safety

Manager, planning and support, division of information services

Director of administration, department of corrections

Executive director, governor's commission for the handicapped

Director, division of the arts

Director, division of agricultural development

Group D \$36,071 - \$46,886

Assistant attorneys-general

Director, office of alcohol and drug abuse prevention

Executive secretary, N.H. retirement system

Counsel, department of employment security

Director of aeronautics

Director, charitable trusts

Audit team leader

State archivist

State veterinarian

Director, police standards and training council

Internal auditor

Assistant insurance commissioner

Director, division of historical resources

Unit director (non-medical), New Hampshire hospital
Unit director (non-medical), secure psychiatric unit
Director, port authority
Board of tax and land appeals, members
Deputy labor commissioner
Deputy director, division of information services
Senior operational analyst
Director, Christa McAuliffe planetarium
Manager, planning and support, division of information services
Director of Finance, N.H. retirement system

Group E \$39,685 - \$50,499

Director, economic development
Assistant superintendent for administration and support, Laconia
developmental services
Assistant superintendent, New Hampshire hospital
Commissioner of agriculture
Director, division of elderly and adult services, department of
health and human services
Executive director, land conservation investment program
Director, forests and lands
Director, parks and recreation
Director, field services
Assistant director, audit division
General counsel, department of employment security
Manager of employee relations
State fire marshal
Superintendent, Glencliff home
Financial data manager
Director of safety services
Director of enforcement, department of safety
Director, returns processing, revenue administration
Counsel, public utilities commission
Chief investigator, office of securities regulation
Administrator of the office of securities services, office of
securities regulation
Administrator of the bureau of securities filings, office of
securities regulation
Administrator of the bureau of securities audits and examinations,
office of securities regulation
Chief of fire standards and training

Group F \$41,489 - \$53,209

Director, division of air resources
Director, insurance examination
Director, audit division, revenue administration

Commandant, veterans' home
Director of standards and certification, department of education
Director of instructional services, department of education
Director of vocational rehabilitation, department of education
Senior assistant attorney-general
Liquor commissioners
Director of human services
Director, division of accounting services
Director, division of plant and property management
Director of the office of securities regulation
Director, division of water resources
Deputy commissioner of health and human services
Deputy insurance commissioner
Deputy secretary of state
Deputy bank commissioner
Deputy treasurers
Executive director, fish and game
Director of adult services/warden, department of corrections
Director of libraries
Deputy commissioner of postsecondary technical education
President of the technical institute
Presidents of the technical colleges

Group G \$46,888 - \$60,410

Director, division of waste management
Associate attorney general
Liquor commission, chairman
Director, personnel
Director, division of information services
Director, division of water supply and pollution control
Director of administration, department of transportation
Director of operations, department of transportation
Director of public works, department of transportation
Director of motor vehicles
Executive director, sweepstakes commission
Assistant commissioner, administrative services
Superintendent, Laconia developmental services
Superintendent, New Hampshire hospital
Commissioner, libraries, arts and historical resources
Director, division for children and youth services
Labor commissioner
Director of state police
Director of state ski operations
Director of administration, department of safety
Director of fire service

Group H \$48,701 - \$65,831

Deputy commissioner, department of education
Assistant commissioner of safety
Senior physician/dentist, department of corrections
Senior physician, division of human services
Senior physician/dentist, division of public health services
Senior physician/psychiatrist/dentist
Psychiatrist, secure psychiatric unit
Deputy attorney general
Director of project development, department of transportation
Assistant commissioner, revenue administration
Commissioner, corrections
Commissioner, department of employment security
Commissioner of postsecondary technical education
Bank commissioner
Assistant commissioner, department of environmental services
Unit director (medical), New Hampshire hospital
Unit director (medical) secure psychiatric unit
Adjutant general
Insurance commissioner
Physician epidemiologist
Director, mental health and developmental services
Director, public health services
Assistant superintendent for professional services, Laconia
developmental services
Assistant superintendent for professional services, New
Hampshire hospital
Assistant commissioner of transportation
Executive director, New Hampshire energy authority
Medical director, division of mental health and developmental
services

Group I \$67,625

Public utilities commissioners
Attorney general
Commissioner, department of transportation
Commissioner, health and human services
Secretary of state
State treasurer
Commissioner, resources and economic development
Commissioner, education
Commissioner, revenue administration
Safety commissioner
Commissioner, department of administrative services
Commissioner, department of environmental services

Group J \$91,789

Chief medical examiner

Group K \$72,136

Group L \$75,753

Governor

2 Salaries Consolidated and Established; October 5, 1990. RSA 94:1-a, I is repealed and reenacted to read as follows:

I. The salary ranges for the positions set forth in the following groups shall be as follows commencing on October 5, 1990:

Group A \$22,739 - \$37,870

Director, veterans' council

Executive director, real estate commission

Executive assistant, adult parole board

Criminal justice investigators

Consumer protection investigators

Administrator of ski marketing and services

Mountain manager

Group B \$30,288 - \$41,668

Assistant state treasurer

Assistant secretary of state

Education and training officer

Senior industrial agents

Risk management administrator

Assistant to the commissioner of the department of resources and economic development

Multistate auditors

Executive director, postsecondary education commission

Group C \$34,092 - \$45,447

Field audit team leader

Coordinator of highway safety

Manager, planning and support, division of information services

Director of administration, department of corrections

Executive director, governor's commission for the handicapped

Director, division of the arts

Director, division of agricultural development

Group D \$37,874 - \$49,230

Assistant attorneys-general

Director, office of alcohol and drug abuse prevention

Executive secretary, N.H. retirement system

Counsel, department of employment security

Director of aeronautics

Director, charitable trusts
Audit team leader
State archivist
State veterinarian
Director, police standards and training council
Internal auditor
Assistant insurance commissioner
Director, division of historical resources
Unit director (non-medical), New Hampshire hospital
Unit director (non-medical), secure psychiatric unit
Director, port authority
Board of tax and land appeals, members
Deputy labor commissioner
Deputy director, division of information services
Senior operational analyst
Director, Christa McAuliffe planetarium
Manager, planning and support, division of information services
Director of Finance, N.H. retirement system

Group E \$41,669 - \$53,024
Director, economic development
Assistant superintendent for administration and support, Laconia
developmental services
Assistant superintendent, New Hampshire hospital
Commissioner of agriculture
Director, division of elderly and adult services, department of
health and human services
Executive director, land conservation investment program
Director, forests and lands
Director, parks and recreation
Director, field services
Assistant director, audit division
General counsel, department of employment security
Manager of employee relations
State fire marshal
Superintendent, Glencliff home
Financial data manager
Director of safety services
Director of enforcement, department of safety
Director, returns processing, revenue administration
Counsel, public utilities commission
Chief investigator, office of securities regulation
Administrator of the office of securities services, office of
securities regulation

Administrator of the bureau of securities filings, office of
securities regulation
Administrator of the bureau of securities audits and examinations,
office of securities regulation
Chief of fire standards and training

Group F \$43,563 - \$55,869

Director, division of air resources
Director, insurance examination
Director, audit division, revenue administration
Senior assistant attorney-general
Liquor commissioners
Commandant, veterans' home
Director of standards and certification, department of education
Director of instructional services, department of education
Director of vocational rehabilitation, department of education
Director of human services
Director, division of accounting services
Director, division of plant and property management
Director of the office of securities regulation
Director, division of water resources
Deputy commissioner of health and human services
Deputy insurance commissioner
Deputy secretary of state
Deputy bank commissioner
Deputy treasurers
Executive director, fish and game
Director of adult services/warden, department of corrections
Director of libraries
Deputy commissioner of postsecondary technical education
President of the technical institute
Presidents of the technical colleges

Group G \$49,232 - \$63,430

Director, division of waste management
Associate attorney general
Liquor commission, chairman
Director, personnel
Director, division of information services
Director, division of water supply and pollution control
Director of administration, department of transportation
Director of operations, department of transportation
Director of public works, department of transportation
Director of motor vehicles
Executive director, sweepstakes commission

Assistant commissioner, administrative services
Superintendent, Laconia developmental services
Superintendent, New Hampshire hospital
Commissioner, libraries, arts and historical resources
Director, division for children and youth services
Labor commissioner
Director of state police
Director of state ski operations
Director of administration, department of safety
Director of fire service

Group H \$51,136 - \$69,122

Deputy commissioner, department of education
Assistant commissioner of safety
Senior physician/dentist, department of corrections
Senior physician, division of human services
Senior physician/dentist, division of public health services
Senior physician/psychiatrist/dentist
Psychiatrist, secure psychiatric unit
Deputy attorney general
Director of project development, department of transportation
Assistant commissioner, revenue administration
Commissioner, corrections
Commissioner, department of employment security
Commissioner of postsecondary technical education
Bank commissioner
Assistant commissioner, department of environmental services
Unit director (medical), New Hampshire hospital
Unit director (medical) secure psychiatric unit
Adjutant general
Insurance commissioner
Physician epidemiologist
Director, mental health and developmental services
Director, public health services
Assistant superintendent for professional services, Laconia
developmental services
Assistant superintendent for professional services, New
Hampshire hospital
Assistant commissioner of transportation
Executive director, New Hampshire energy authority
Medical director, division of mental health and developmental
services

Group I \$71,007

Public Public utilities commissioners
Attorney general

Commissioner, department of transportation
Commissioner, health and human services
Commissioner, education
Commissioner, revenue administration
Safety commissioner
Secretary of state
State treasurer
Commissioner, resources and economic development
Commissioner, department of administrative services
Commissioner, department of environmental services

Group J \$96,378

Chief medical examiner

Group K \$75,743

Group L \$79,541

Governor

3 New Sections; Allocation Methodology; Matrix; Decision Rules.
Amend RSA 94 by inserting after section 2-a the following new sections:

94:2-b Allocation Methodology. Each acting director or administrative head of any state agency or department shall determine the letter grade for each vacated or created position in his agency or department. The specific steps for such allocation shall be as follows:

I. For upgrades, downgrades, vacancies and new positions, he shall establish the job profile, which is the need for the position to include specific responsibilities.

II. This job profile shall be compared to the definitions and responsibilities listed under RSA 94:2-c. The allocation decision shall then be made by selecting the appropriate responsibility level in the matrix.

III. After the allocation decision is made under paragraph II, the decision rules established in RSA 94:2-d shall be applied to ensure that the unclassified position is appropriately slotted.

IV. After the duties under paragraphs I, II and III have been accomplished, such acting director or administrative head shall submit the allocation decision to the fiscal committee established in RSA 14:30-a for its review and temporary letter grade allocation.

94:2-c Unclassified Position Leveling Matrix; Responsibilities; Levels. The following responsibility levels shall apply to persons in the following letter grades:

I. For Group A:

(a) Organization: organizes and controls work flow within specialized unit.

(b) Decision making: limited decision making in area of resource allocation; decisions made require approval.

(c) Policy: supports senior positions or agency objectives, or both.

(d) Knowledge: knowledgeable in own discipline with broad work experience.

(e) Management: may have project management responsibility.

II. For Group B:

(a) Organization: organizes, and controls or manages work flow in small unit.

(b) Decision making: decisions have limited impact; major decisions require approval.

(c) Policy: supports unit or agency objectives and/or accountable for unit work activity.

(d) Knowledge: advanced knowledge in own discipline with solid work experience.

(e) Management: may supervise staff in a small unit.

III. For Group C:

(a) Organization: organizes, plans and manages work in a unit.

(b) Decision making: decisions impact the unit and work produced; decisions made in context of bureau practice.

(c) Policy: supports agency objectives.

(d) Knowledge: seasoned knowledge with understanding of related areas.

(e) Management: supervises staff or functional activity.

IV. For Group D:

(a) Organization: manages a bureau, unit or highly specialized function.

(b) Decision making: decisions generally made within context of policy, procedure, mission.

(c) Policy: generally bureau impact; may recommend policy.

(d) Knowledge: broad knowledge in own field.

(e) Management: manages staff or functional activity.

V. For Group E:

(a) Organization: manages an agency, bureau or specialized work unit.

(b) Decision making: decisions generally impact the bureau.

(c) Policy: generally bureau impact; establishes plans and directions.

(d) Knowledge: Specialized knowledge in own field.

(e) Management: responsible for bureau or unit resource allocation and staffing or functional activity.

VI. For Group F:

(a) Organization: manages an agency, bureau or specialized function.

(b) Decision making: decisions have impact beyond the bureau.

(c) Policy: may recommend policy; works within established policy and procedure.

(d) Knowledge: expert knowledge in own field.

(e) Management: responsible for staffing and resource allocation; major decisions are reviewed.

VII. For Group G:

(a) Organization: manages an agency, significant bureau or highly specialized function.

(b) Decision making: decisions may have state-wide impact, but generally focus on a specific discipline.

(c) Policy: impact on agency; establishes plans and directions.

(d) Knowledge: expert knowledge; may require proficiency in a number of fields.

(e) Management: responsible for staffing and resource allocation in accordance with agency policy.

VIII. For Group H:

(a) Organization: senior position responsible for a significant agency or a major segment of a group I agency.

(b) Decision making: decisions are made within context of mission, and overall plans affecting the state.

(c) Policy: major impact on agency; establishes plans and directions.

(d) Knowledge: authoritative source of knowledge.

(e) Management: responsible for staffing and resource allocation in agency.

IX. For group I: Senior position responsible for specified agencies.

94:2-d General Decision Making Rules. The following decision rules shall be applied when categorizing unclassified positions under RSA 94:2-b and 94:2-c:

I. Generally, the most senior position in an agency or bureau shall be in the highest letter grade and no other positions shall be in this grade.

II. Two positions with the same responsibilities and job profile but different staffing, budget and resource allocation responsibilities may be in different letter grades.

III. Positions with varying degrees of responsibility for policy implementation and operational activities shall be allocated based on the responsibilities most frequently performed.

IV. Positions with letter grades G, H, and I will generally be limited to positions ultimately responsible to the governor and the legislature for the conduct of the agency. Such positions may include agency heads, deputies, and executive directors.

V. The final letter grade for positions in levels C, D, and E should be reviewed in terms of impact and relationship to classified positions if a similar classified position exists.

VI. Market considerations may be considered in determining the final allocation, but shall not be a major factor.

4 Reference Change. Amend RSA 14:30-a, IV to read as follows:

IV. The fiscal committee shall establish procedures to review the allocation decisions submitted to it by the acting directors or administrative heads of state agencies or departments under RSA [94:1-d] 94:2-b and shall set a temporary letter grade allocation for each position referred. The fiscal committee shall propose legislation recommending permanent salary levels for each position for introduction in the next regular session of the general court.

5 Transition; Implementation.

I. Incumbents whose salary range is increased shall be eligible for salary increase consideration on their next anniversary date. Future considerations shall be in accordance with the current review process. There shall be no immediate increases unless the date of implementation and the anniversary date coincide.

II. An incumbent whose salary range is decreased shall retain his current salary with all future increases as long as he remains in his current position.

III. When an unclassified position is vacated or created, an appropriate letter grade, and therefore, salary range, shall be determined using the allocation methodology in RSA 94:2-b and RSA 94:2-c.

6 Certain Salary Increments Retained. Nothing in this act shall affect any salary which has been adjusted for recruitment or retention pursuant to RSA 94:3-b.

7 Repeals. The following are repealed:

I. RSA 94:1-a, III, relative to salary differential.

II. RSA 94:1-a, III-a, relative to the salary of the chairman, state liquor commission.

III. RSA 94:1-d, relative to allocation decisions.

IV. RSA 94:2, relative to adjustment of salaries.

8 Contingency. Section 2 of this act shall take effect July 1, 1991, if the conditions in 1989, 419:20, I are met, and section 1 of this act shall not take effect. If such conditions are not met, section 1 of this act shall take effect July 1, 1991, and section 2 of this act shall not take effect.

9 Effective Date.

I. Sections 1 and 2 of this act shall take effect as provided in section 8 of this act.

II. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

This bill implements certain recommendations of the personnel system task force, established under 1986, 12:2, relative to the unclassified system. The bill consolidates the unclassified groups under current law into fewer groups with various steps.

The bill also establishes a system to be used by agency and department heads in determining the grade level for vacated or created positions. This system is comprised of a matrix outlining the duties and responsibilities of the positions and general decision-making rules.

Current law requires the administrative head of a state agency or department to submit his allocation decision to the fiscal committee established in RSA 14:30-a for its review and temporary letter grade allocation. The fiscal committee shall recommend permanent salary levels to the general court during the next regular legislative session.

Amendment adopted.

Senator Delahunt offered a floor amendment.

SENATOR DELAHUNTY: The floor amendment that appears before you is to correct what I believe is an oversight that took place during the legislative transition. It merely places the director of the Division of Water Resources in the group G category as opposed to the group F. This will establish equivalency in position. The original reorganization plan had the position in a higher category and evidently through an oversight it dropped to a lower category.

SENATOR DISNARD: I was on the committee and spent many hours this summer reviewing these categories. On the last day, the director of Air Resources and the director of the Division of Water Resources were discussed at length. The committee felt that they either have or will have similar responsibilities and therefore we felt that they should be in similar categories, similar levels whatever you want to call it to reflect that.

SENATOR DUPONT: Senator Disnard, I was just trying to get some idea as to whether or not there had been any other changes made or if you had made any other recommendations to this bill about possible changes?

SENATOR DISNARD: I'll be happy to answer that question, if you ask every other member of the committee what changes they also recommended and made and were passed on.

SENATOR DELAHUNTY: Would you believe I disagree with Senator Disnard and the fact that the comparisons of jobs and responsibilities are not the same. And I think Senator Dupont may have made reference to fact that the Air Resources was updated a category because of the good efforts of Senator Disnard. But original reorganization Waste Management, and Air Resources were in one category, one category above them was Water Resources and two categories above was Water Supply and Pollution Control. In addition to that level of responsibility, the director of Water Resources is also chairman of the Wet Lands Board and reports to the Governor and the Legislature. He is a member of the Water Well Board, and he is also Chairman of the Public Corporation of the Water Resource Committee. So there are three additional responsibilities that he has that Air Resources does not have. So he does have additional responsibilities and I think in the original intent of the legislation was to keep him in one category above the category we are recommending.

SENATOR DISNARD: When the reorganization went into effect, we made different department heads, such as directors. Now they all sit in and they have responsibilities. Now many of you who have and are experiencing incinerators and the air emissions, know that one of the first and biggest problems of air emissions I know how much time the director of Air Resources has to spend. If you also have been following the federal guidelines that are being discussed and are being passed down from the federal level in terms of ozone and other areas, I think you will soon jump to the conclusion that these responsibilities within the next year, if they are not similar responsibilities, will be. I just urge that you should change the director of Water Resources and you should also consider keeping equal the division of Air Resources to show compatibility between directors in fairness within divisions.

SENATOR BOND: Senator Freese, is there a provision in HB 350 for the reclassification of persons such as we are talking here if it appears that the job has changed in its content?

SENATOR FREESE: No, I don't believe that there are provisions for any change in any reclassification in HB 350. It is a different system than the point system that we have in HB 250, which is overseen by the personnel department. HB 350 is more a range of grades that really doesn't have any oversight by any department except for the Legislature. And, of course, the appointments are the responsibility of the Governor and Council.

SENATOR BOND: Then, you are saying that these positions were placed by the legislative committee essentially based on relative value of contribution and what have you.

SENATOR FREESE: Yes, and as you know the fiscal committee has the responsibility to change any temporary or permanent changes.

SENATOR ST. JEAN: I concur with Senator Disnard that if we begin the process of changing letters for everybody who has some affiliation with the august body, we are going to be here until spring-time doing that. I agree with Senator Disnard that we put this thing together and it should stay as it is. We are not to be changing this for certain personalities around the state.

Floor Amendment to HB 350-FN

Amend RSA 94:1-a, I as inserted by section 1 of the bill by deleting in Group F "Director, division of water resources" and by inserting in Group G "Director, division of water resources".

The Chair called for a division vote.

14 Yeas

10 Nays

Amendment adopted. Referred to Finance (Rule #24)

Senator Roberge took rule #42

HB 562-FN, making technical changes in the election laws.

Ought to Pass with Amendment. Senator Bass for the committee.

SENATOR BASS: This bill, as you all may recall, was one that we had up on the calendar the last day of the session in 1989. We determined that there were some technical problems with the technical changes so as a result we moved for rereferral. We have since taken care of those problems. In essence, this bill deals exclusively with the form that the voter registration card would take, addresses on the check list, meetings of supervisors, when they occur, posting of the check list, revisions on the check list, when they would occur, also paster restrictions. I urge the Senate support the committee position of ought to pass with amendment.

SENATOR NELSON: Senator Bass, on page 23 of the Senate calendar number 3, posting the check list, I was interested as why you changed that from the House version? It just says the supervisor shall make and post copies of the current check list at, it was really, one or more public places and the office of the town clerk, the city clerk or the town hall. And I was interested why you deleted that and just left the office of the town?

SENATOR BASS: Yes, Senator Nelson, there are a number of reasons for that. First of all in many of the smaller towns, nobody knew where the check list was posted. It could be posted in any public

place, and that many times turned out to be a local mom and pop store, somebody's house. And this change in effect creates some certainty as to where interested citizens can find the check list, which was a definite problem prior to this. And secondly, there is, again in smaller communities, a significant problem with theft of the check list if they had to post it in a public place and nail it for example to the outside of a building and the result would be that this would cost the smaller towns considerable time and resources to keep reposting the check list over and over again. So this is certainly a technical change that will help make it easier for smaller towns to comply with the law.

SENATOR NELSON: I just want to make sure that you all thought that having in some towns and in Nashua and cities the office of towns, the city hall, and the town hall are all at the same place, do you think that that gives the people in the town or the city enough of an opportunity to preview that if it is only at one place?

SENATOR BASS: First of all, I appreciate your discussion of my wisdom, and secondly, I would agree with you, Senator Nelson, that in larger cities and towns it is very easy for those who are interested in looking at the check list to access it in the town or city hall. The real question is in the smaller towns, and although it may be more difficult to access a town hall in a very small town, especially in towns where there isn't an official town hall with offices and so forth, what you gain from that you might call loss of access, what you would lose from that you would gain from knowing where it was that you could be sure of seeing it, which is the problem we face now in many towns.

SENATOR HEATH: Senator Bass, let me put it to you this way, do you remember the objection I raised on this piece of legislation in the spring? I do fortunately. Do you agree that one component of this otherwise pretty decent bill, was put in there strictly to make it easier for those of us in political life to improve our mailing lists?

SENATOR BASS: In answer to your first question, I do well remember your concern which is certainly a legitimate concern. I do not agree with your contention though that that particular change, which you apparently are not going to tell us what that change is, is for the convenience of the politician.

SENATOR HEATH: Do you believe that change was putting the mailing addresses on the check list?

SENATOR BASS: Senator Heath, the legislation we have before us allows for the addition of the mailing address if different from the regular address and this is very significant in terms of assuring that

check lists have any meaning whatsoever beyond the name itself. I will give you an example. In the city of Keene for example, the residents of North Swanzey all vote in Keene, so if you were a resident of North Swanzey and you vote in Keene, it would just say Keene after your name and that really isn't where you live. So what this particular change would do, is make the addresses really identify the location of the place of a voter and makes the check list a lot more accurate. Not only for those people who are interested in utilizing those names for political purposes, but those people who want to have a check list that is accurate and they can tell where people live.

SENATOR HEATH: Senator Bass, do you believe that people of Swanzey will appreciate the increased amount of junk mail that they will get during the political session this summer?

SENATOR BASS: I would suggest that these changes would decrease the cost of campaigns, if that is the question you are alluding to, because the poor candidates who get money from special interests would be squandering more of it on letters that would be going to non-addresses.

Amendment to HB 562-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Form of Voter Registration Card. RSA 654:7 is repealed and reenacted to read as follows:

654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be 4 inches by 6 inches and shall be made in triplicate. The secretary of state shall provide for the preparation of the voter registration form which shall be in substantially the following form:

Date _____

VOTER REGISTRATION CARD

(Please print or type)

1. Name _____

Last	First	Middle Initial
------	-------	----------------

2. Address _____

Street	Ward Number
Town or City	Zip Code

3. Mailing Address if _____ Street _____ Ward Number _____
different than in 2. _____ Town or City _____ Zip Code _____

4. Place and Date of Birth _____
Town or City State

5. If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote _____
Town or City

Street
Ward Number

7. Name under which previously registered, if different from above ____

8. Party Affiliation (if any) _____

I hereby swear, under penalty of perjury, that my permanent established domicile is at the above address, that I am a United States citizen, and that I am 18 years of age or older, and that the information above is true and correct to the best of my knowledge and belief.

(Signature of Applicant)

2 Checklist Procedures. Amend RSA 654:25 to read as follows:

654:25 Preparing Checklist. The secretary of state shall issue and distribute guidelines for the composition and style of checklists and for the maintenance of data related to checklists by which the supervisors of the checklist shall compile and correct the checklist. Such guidelines shall specify the information which is to be maintained and updated by the supervisors. The secretary shall establish standard forms and procedures for the use of the supervisors for the main-

tenance of such information. The information to be maintained and updated shall include the full name, address and party affiliation, if any, of each voter on the checklist and such other information as the secretary requires. The supervisors shall use the information so maintained and updated to prepare the checklist for all state elections. Every checklist used at any state election shall contain as a minimum the full name, [mailing] address, **and mailing address if different**, and party affiliation, if any, of each voter on the checklist.

3 Posting Checklist. Amend RSA 654:26 to read as follows:

654:26 Posting Checklist. The supervisors shall make and post copies of the current checklist at [2 or more public places in town] **the office of the town or city clerk or at the town hall** not later than the fourth Tuesday before the day of any state election.

4 Sessions for Correction. Amend RSA 654:27 to read as follows:

654:27 Sessions for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on at least 2 occasions before any state election, the last of which shall be on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed, **provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m.** The first session shall be upon the third Tuesday preceding the day of election and shall take place for [at least] 2 hours between [6:00] **7:00** p.m. and 9:00 p.m. and shall be adjourned to such subsequent day or days at the same time as will permit all claims to be heard and decided. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

5 Procedure. Amend RSA 654:28 to read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. Any session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisors for additional hours. No additions or corrections shall be made after [6:00 p.m. on] the session [day] which is held on the Saturday 10 days prior to election day,

except as provided in RSA 659:12 or RSA 654:27, **provided, however, that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 9:00 p.m.** The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

6 Checklist Certification. Amend RSA 654:29, I to read as follows:

I. The supervisors shall subscribe and make oath to the following certificate on [the back of] the checklist, as corrected by them: We, the supervisors of the checklist of the town (or ward) of _____ do solemnly swear that, according to our best knowledge, the within list contains _____ (number) names of those persons only who are, by actual domicile, legal voters in said town (or ward).

7 Posting Checklist. Amend RSA 654:33 to read as follows:

654:33 Posting Copies; Notice of Sessions. The supervisors shall post copies of the checklist, showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, [in 2 or more public places in such town or ward] **at the office of the town or city clerk or at the town hall** at least 10 days prior to any session provided for in RSA 654:32; and notice of the date, hour and place of the **session or** sessions to revise such registration shall be given upon such [checklists] **checklist**.

8 Session for Verification of Checklist. Amend RSA 654:39, II to read as follows:

II. Between April 1 and August 1 of 1981 and thereafter in each year ending with a one, the supervisors shall advertise **and post** notice of their sessions at least twice in a newspaper of general circulation [in] **and at the office of the town or city clerk or at the town hall** and hold sufficient sessions for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be; provided, that in the city of Manchester, the period shall be between February 1 and August 1]. Whenever a person is reregistered, his party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

9 Registered Voter for Checklist Verification Purposes. RSA 654:39, IV is repealed and reenacted to read as follows:

IV. For the purpose of this section, a person shall be deemed reregistered and need not appear before the supervisors if:

(a) The person voted in either of the 2 previous state general elections immediately preceding a 10-year verification; or

(b) The person voted in the annual town election in the year of a 10-year verification or, if in a city, the most recent regular city election held prior to the verification.

10 Pasters and Substitute Candidates. Amend RSA 656:21 to read as follows:

656:21 Pasters; Substitute Candidates. In the event that a candidate dies or is disqualified as provided in RSA 655:38 or 655:39, the name of the substitute candidate shall be printed on the state general election ballot. If the state general election ballots have already been prepared and time will permit, the secretary of state may authorize adhesive slips or pasters with the name of the substitute candidate thereon to be printed and sent to the town or city clerks representing the territory wherein the deceased or disqualified candidate was to be voted for. Such paster shall be affixed to the ballots as provided in RSA 658:34. **The name of the substitute candidate shall be received by the secretary of state no later than the Tuesday prior to the election in order for a substitute name to be placed on the ballot.**

11 Record of Absentee Ballots Returned. Amend RSA 657:15 to read as follows:

657:15 Sending Absentee Ballots. When the verification required by RSA 657:12 or 13 has been made, the clerk shall retain the application and, without delay, personally deliver or mail to the applicant the appropriate ballot and materials as described in RSA 657:7 through 657:9 or designate an assistant to deliver such materials to the applicant. The clerk may not designate as an assistant any person who is a candidate for nomination or office or who is working for such a candidate. Any ballots sent pursuant to the provisions of this section shall be mailed or delivered only by officials from the city or town clerk's office and delivered only to the applicant. If the address to which the absent voter's ballot is sent is outside the United States or Canada, such papers shall be sent by air mail. Said clerks shall keep lists of the names and addresses, arranged by voting places, of all applicants to whom official absent voting ballots have been sent, **and shall identify those official absent voting ballots which have been returned to the clerk.** Copies of said lists shall be open to inspection and shall be posted at the polling places on the day of election as provided in RSA 658:27.

12 Posting General Election Warrant. Amend RSA 658:1 to read as follows:

658:1 General Election. At least 14 days before any state general election, the selectmen shall post a warrant at [any one] **all the polling [place] places** and [one other place in] **at the office of the town or [ward] city clerk or at the town hall.** Said warrant shall prescribe the hour the polls are to open and the hour before which they

may not close as provided in RSA 659:1 [through 659:8]. It shall also state all offices and questions which are to be voted on and the location of the central polling place and of any additional polling places. If the selectmen neglect to issue a warrant for the state general election, or if they neglect to cause copies of such warrant to be posted agreeably to any vote of the town, they shall for each offense be guilty of a violation and any fines collected shall be remitted to the town.

13 Appointment of Assistant Election Officials. Amend RSA 658:7 to read as follows:

658:7 Appointment. For all state elections, the moderator is authorized to appoint an assistant moderator who shall take the oath of office in the same manner as the moderator. The moderator may also appoint such other election officials as he deems necessary and request the [selectmen] **town clerk** to appoint an assistant town clerk. The assistant moderator, assistant town clerk and said other election officials shall take the oath of office and perform such duties and have such powers as the moderator may delegate to them, except that the power of making the declaration of the vote cast shall not be delegated to them. The provisions of this section shall apply only to the appointment of assistant election officials to serve at the central polling place. Appointment of officers to act at additional polling places shall be accomplished as provided in RSA 658:14.

14 Checklist at Additional Polling Places. Amend RSA 658:12 to read as follows:

658:12 Checklist. Immediately after the establishment of an additional polling place and the creation of the voting district to be served thereby, the supervisors of the checklist shall prepare a separate checklist of the voters entitled to vote at such a polling place. Such separate checklist shall thereafter be posted and revised along with the checklist for the central polling place as provided in RSA 654. At least 14 days before any state election, the supervisors shall post at [one or more public places within the voting district] **the town or city clerk's office or at the town hall** a true and attested copy of such list and shall, before the election, lodge with the town clerk 2 copies of such list.

15 Appointing Clerk Pro Tem. Amend RSA 658:20 to read as follows:

658:20 Clerk Pro Tem. If a town or ward clerk is absent from any state election or is unable to perform his duties and there is no deputy clerk as provided in RSA 41:18, a town or ward clerk pro tempore shall be appointed by the [selectmen] **town clerk**.

16 Disqualifying Election Officials. Amend RSA 658:24 to read as follows:

658:24 Disqualification of Certain Persons.

[I.] Any person whose name appears on a ballot for an elective position, other than a position of an election official, shall be disqualified from performing duties as an election official in that election. A person so disqualified shall not be considered to have vacated any office but rather only to be absent therefrom. A temporary replacement shall be appointed as provided in RSA 658:19-658:22.

[II. Notwithstanding paragraph I, any person may serve as an election official even if he appears on the ballot as a candidate for an elective position other than election official if he is an unopposed candidate or if he is one of the candidates for an elective position for which the total number of candidates on the ballot does not exceed the number of persons to be elected to that elective position at that election.]

17 Posting Absentee List. Amend RSA 658:27 to read as follows:

658:27 Absentee List to be Posted. The town or city clerk shall cause a copy of the list of persons to whom absentee ballots have been sent **and identified as having been returned**, as provided for in RSA 657:15, to be posted outside the guardrail in the central polling place and any additional polling places.

18 Repeal. RSA 654:12, relative to qualification of applicants and checklists, is repealed.

19 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the election laws relative to:

- I. The information on voter registration forms.
- II. The information used on checklists and checklist procedures.
- III. Posting and the availability of checklists.
- IV. The time for holding sessions to correct the checklist and the procedures used during those sessions.
- V. Certifying and verifying checklists.
- VI. Placing the name of substitute candidates on the ballot.
- VII. Records of absentee ballots.
- VIII. Posting general election warrants.
- IX. Appointing assistant election officials.
- X. Disqualifying election officials.

Amendment adopted. Ordered to Third Reading.

SB 302, relative to the Mount Washington Commission.

Ought to Pass. Senator Bond for the committee.

SENATOR BOND: SB 302 increases the membership of the Mount Washington Commission from 9 to 11 members. The present 9 members include a member of the Senate, a member of the House, two

from the Governor's office, representatives of the AMC, the Forest Service, the Departments of Transportation and DRED, and two members from the four businesses that are situated on Mount Washington. One representing transportation and the other communications. To make our business easier on the commission, we would like to have both the Cog Railway and the Auto roadway represented and Mount Washington television and the observatory represented. So the purpose would be to simply increase the number. There is no expense to the state.

Adopted. Ordered to Third Reading.

SB 309-FN, establishing a New Hampshire Heritage Trail and making an appropriation therefor.

Ought to Pass with Amendment. Senator Krasker for the committee.

SENATOR KRASKER: In 1988, the legislature passed legislation that establishes a wilderness trail from the Canadian border to the Massachusetts border. You may recall that on July 27, 1989, Governor Gregg dedicated the first twenty miles of this trail, which in total will be 230 miles in length, at Franconia, New Hampshire. What SB 309 does is designate this trail as the New Hampshire Heritage Trail. The amendment reduces the original appropriation of \$50,000 to \$25,000 which is going to be used as match money for local communities to encourage them to participate in the program. The amendment also adds a member of the Appalachian Mountain Club to the sixteen member advisory committee which is going to advise the Department of DRED on trail development.

Amendment to SB 309-FN-A

Amend subparagraph II(a) as inserted by section 4 of the bill by inserting after subparagraph II(a)(11) the following new subparagraph:

(12) Appalachian Mountain Club.

Amend section 7 of the bill by replacing it with the following:

7 Appropriation. There is appropriated the sum of \$25,000 to the department of resources and economic development for the fiscal year ending June 30, 1990, to be used for planning, construction, maintenance and other costs associated in carrying out the responsibilities of this chapter. This sum shall be nonlapsing and shall be in addition to any other appropriation made to the department. The governor is authorized to draw his warrant for said sum out of any money in the treasury otherwise not appropriated.

AMENDED ANALYSIS

This bill designates the trail being established by the conservation corps from the Canadian border to the Massachusetts border as the Heritage Trail.

A 16-member advisory committee is to advise the department of resources and economic development on trail development. Members of various state agencies and departments shall be non-voting members of the committee.

An appropriation is requested.

Amendment adopted. Referred to Finance (Rule #24)

SB 383-FN, relative to a vocational center in Claremont.

Ought to Pass with Amendment. Senator Disnard for the committee.

SENATOR DISNARD: I would like to first call to your attention that this is not an FN bill. Legislative Services states there is no fiscal impact on local, state or county; so therefore, we might save the Finance Committee some work. This is a bill allowing, as the State has in the past, a vocational skills center, better known as vocational high school, to be built on a site in Claremont large enough in the future for a comprehensive high school to be built. This has the support of the Department of Education, members of the Board of Education spoke, the vocational director, and people from Newport and Claremont, the industrialists, the Chamber of Commerce. We probably had 18 or 19 speakers.

Amendment to SB 383-FN

Amend the bill by replacing section 1 with the following:

1 Planning of Vocational Center in Claremont. Construction of the vocational center to be built in Claremont shall be planned pursuant to RSA 188-E:3, I so as to ensure that such vocational center would be able to be incorporated into a comprehensive high school complex to be built in the future.

AMENDED ANALYSIS

This bill requires that the plans for the vocational center to be built in Claremont be developed so as to plan for the incorporation of such center into a comprehensive high school complex to be built in the future.

Amendment adopted. Ordered to Third Reading.

SB 400-A, increasing the appropriation for constructing regional vocational education centers.

Ought to Pass. Senator Disnard for the committee.

SENATOR DISNARD: The first idea to get across is that this does not ask for money. It is asking for authority for the State Board of Education to continue a commitment that the legislature made last year in appropriating \$500,000 to studies of architectural studies of Hudson, Newport and Stevens High School which is in Claremont. Now one of these school districts has entered into a management plan that architectural fees will not have to be paid until a building is constructed or started. So there is no money up front. It is a continuation of commitments made by the State to these communities for the past few years, especially in the use of the possibility of \$500,000 for architectural plans. Also, I think it should be understood, when money is available, it is very evident that architecture contracts are willing to work free to design schools for some of these communities. We are saving money. It is a commitment made with the Legislature. Now I understand people to say that we are in a fiscal crisis. We are in a fiscal crisis. But, we still have to educate our children and I doubt if the State Department of Education will be asking for money in the next year and half or two years. When bonds are sold, I think you realize that the first principle payment isn't due until one year after it is sold. So if the bond is sold in 1992, the first payment wouldn't be made until 1993 anyway.

SENATOR HEATH: I have two questions. One, you said it is a continuation but if I am reading this correctly, it is an incremental increase from \$59 million to \$74 almost 75 million. That is hardly a continuation is it?

SENATOR DISNARD: Well I guess I didn't get my idea across and I appreciate this. It is a continuation of a process that was started last year in the legislature and in the hearings, and on the House and the Senate floors. The committees had agreed that we would come in with the bonding after the money was appropriated for the architectural studies.

SENATOR HEATH: Are you saying in so many words that it is a continuation of a continual increase?

SENATOR DISNARD: No. I am not saying a continual increase, because this is only for authorization for one increase here. Not for a continual increase.

SENATOR HEATH: Second question, it has been my experience that when architects will design schools for free, frogs will fly. Do you have any examples of ever having done that?

SENATOR DISNARD: No, sir, I am not from the North Country and we don't have frogs flying down here. But I would like to say that a school district went out and interviewed in excess of 15 or 17 architecture contractors. They narrowed it down to 5, then narrowed it down to 3. And the two companies that were selected are well known and respected within the State, so I have to say if there are communities out there attempting to save taxpayers money, they should look at that.

SENATOR CHARBONNEAU: Senator Disnard, my concern is that last year it was \$55 million, now it is up to \$74 million, what I want to find out is there another school that has been involved or is this the same amount of regional vocational?

SENATOR DISNARD: As I recall, last year it was only \$500,000. I don't have the figures in front of me. It was \$585. It was just those three schools, Alvern, Newport and Claremont. What I think you may be considering, part of the money last year was money that went to finish up \$100,000 to finish a vocational addition in Winnisquam. So that might have been the fourth school that you may have been considering. That was just for last year. The architectural money was just for Alvern, Newport and Claremont.

SENATOR CHARBONNEAU: I don't understand where this other \$14 million comes in?

SENATOR DISNARD: The committee last year did not authorize any bonding to construct, it only authorized monies to be appropriated for architectural studies. We knew last year that the \$15.4 would be asked for this year.

SENATOR NELSON: Senator Disnard, perhaps I could just ask this question? If we could begin again, could you explain where the \$59 million came from and work our way up. How did we get to the \$59?

SENATOR DISNARD: I will defer to Senator Dupont.

SENATOR DUPONT: There are a couple of issues that you have to think about. Number 1, we started this process over twenty years ago, constructing these vocational schools. The 59 million dollars is the sum total of all the money that has been expended up to this point in time. And in fact, we don't have \$59 million out there in money that is owed. Some of those early bonds have already been paid off. So I don't have the exact number of what is still outstanding, but all you are basically doing is increasing that appropriation \$15.5 million, but we don't really owe the \$75 million at this point in time.

SENATOR NELSON: Senator Dupont, along those same lines, did not the State make a commitment roughly twenty years ago to put twenty skill centers in the State and are you referring to the completion of that?

SENATOR DUPONT: Yes, I am, Senator, and it is amazing at this point in time, twenty years later, we still haven't finished it. But if you have gone through the process with the Department of Education, it is a long and arduous project. The processing involves a lot of local involvement. Hopefully, we are getting near the end.

SENATOR JOHNSON: Senator Dupont, isn't it true that this \$15 million now is simply the bonding authority, the expenditure authority to go forward with the three additional schools?

SENATOR DUPONT: That is correct, Senator, and what will happen is the schools will make a determination of what they need for programs in that given area. You can't really say that it will be split between the three facilities. It would be determined by the Department of Education what they need.

SENATOR PODLES: I need to have something clarified. You said that we don't owe the \$74 million now, so when are we going to owe it?

SENATOR DUPONT: If we could go back twenty years, when they started the first center, it may have been \$5 million. They went out, just as you and I would if we bought a building, and borrowed that money, and then started making payments. So as we have gone along, the early loans have been paid off but the statute still reads \$59 million has been authorized to be spent up to this point in time. But some of the \$59 million was spent twenty years ago and the bonds for that have been paid off. So all we are doing, we have authorized the Department of Education to borrow up to \$59 million up to this point in time. But they didn't borrow it all at once, they borrowed it over a period of years. And each year, we have reached maturity on a certain portion of that bonded amount and it is paid off. So all we are doing is giving them power to go out and borrow another \$15 million which we will then pay off over a period of years as we have done with the earlier ones.

SENATOR FREESE: Senator Dupont, as I heard you explain this, it is very likely that we may have only \$30,000 worth of bonds out there that are actively being paid off? Why do we keep the \$59 million there, why don't we subtract from it as the bonds are paid off, so we have a ceiling to know where we shouldn't go beyond?

SENATOR DUPONT: Before this comes before the Senate again, I am going to get the exact amount and I'll ask that question why we can't do that.

Adopted. Referred to Finance (Rule #24).

SB 301-FN, relative to licensing commercial vehicle drivers.

Ought to Pass with Amendment. Senator Preston for the committee.

SENATOR PRESTON: I think the main body of the bill as it was presented and sponsored by Senator Bond has been left out and there is an amendment on here addressing commercial drivers. I would like to state, however, that the message conveyed by Senator Bond's bill to the Department of Safety is that they are working with these folks. They do have interpreters working over there. They are issuing temporary permits. They are attempting in all ways to accommodate some of the drivers that have been driving for years that could not pass the tests, written or oral. We used this bill as a vehicle to adopt a learners permit for commercial vehicles at the request of the Department of Safety.

SENATOR BOND: I rise in support of the amendment. The bill did and has accomplished what my intent was, which is to make the Department of Safety aware of the fact that the more stringent commercial licensing process does make it very difficult for some people, particularly those who can't read and write, but are in fact safe commercial drivers. The end of my bill was satisfied and the amendment is fine with me.

Amendment to SB 301-FN

Amend the bill be replacing all after the enacting clause with the following:

1 Learning to Drive Exception; Commercial Motor Vehicles.
Amend RSA 263:25 to read as follows:

I. [Notwithstanding any other provision of law to the contrary,] **Except as provided in paragraph II**, a person who does not possess a driver's license may drive a motor vehicle while being taught to drive, when accompanied by a person holding a driver's license of the appropriate class and type for the vehicle being driven, who is occupying the seat beside, **or, in the case of a bus, immediately adjacent to**, the person who is being taught to drive. This exception shall not apply to persons whose driving privileges or driver's licenses have been suspended or revoked for cause [and], persons less than 15-1/2 years of age, **and persons learning to drive commercial mo-**

tor vehicles unless they meet the requirements of paragraph II. For all unlicensed drivers [under the age of 18] the person accompanying them shall be a certified driving instructor, [or a] parent, legal guardian, or responsible adult who is 25 years of age or older and who is a licensed driver. The person accompanying the unlicensed driver shall be liable for the violation of any provision of this title or rules adopted hereunder committed by such unlicensed driver. A person who is learning to drive pursuant to the provisions of this section shall have in his possession proof of the fact he meets the age requirement.

II. In the case of a person learning to drive a commercial motor vehicle, the person may not drive as provided in paragraph I unless he is at least 18 years of age and unless he either: (a) Has a valid noncommercial driver's license; or (b) Has successfully completed the eye screening, knowledge test and sign symbol test for a noncommercial driver's license and has been issued a learner permit pursuant to RSA 263:88.

2 Commercial Driver Learner Permit. Amend RSA 263:88, I to read as follows:

I. The department may issue a commercial driver learner permit to an individual who does not hold[s] a valid driver's license and [is at least 18 years of age] **who meets the requirements of RSA 263:25, II(b).**

3 Effective Date. This act shall take effect 60 days after its passage.

Amended Analysis

This bill permits a person who is learning to drive a commercial motor vehicle to drive such vehicle if he is at least 18 years of age and he either (1) has a valid noncommercial driver's license or (2) has successfully completed an eye screening and the knowledge and sign symbol tests for a noncommercial driver's license and has been issued a commercial driver learner permit.

Amendment adopted. Ordered to Third Reading.

SB 357-FN, relative to titles for antique motor cars.

Inexpedient to Legislate. Senator Preston for the committee.

SENATOR PRESTON: This bill was sponsored by Senator Freese to address problems folks are encountering when they buy older motor vehicles. We heard some horror stories. The Department of Safety opposed the bill because of the difficulties involved with the older vehicles, difficulties to get the identification numbers. The committee has sent a letter to the Department of Safety, informing

them to meet with the automobile dealers, and the salvage dealers association to address such problems as were highlighted by Senator Freese's bill.

Adopted.

SB 370, authorizing the reinstatement of previously discontinued highways within a town by a vote on an article in the warrant.

Ought to Pass. Senator Johnson for the committee.

SENATOR JOHNSON: SB 370 provides for equity in a situation that now is inequitable. A town can today vote to close a class V road, but they can't, on the other hand, vote to open a class VI road. The point is the town vote can vote to close something, but, conversely, they can not vote to open it. This bill corrects that inequity.

Adopted. Ordered to Third Reading.

SB 385-FN, authorizing the department of safety to perform DWI chemical testing.

Inexpedient to Legislate. Senator Preston for the committee.

SENATOR PRESTON: SB 385-FN was opposed by the Department of Safety. The testimony, in effect, said the Governor's Task Force on Drug and Alcohol Abuse indicated that the Department of Health and Human Services should establish this drug testing program as a priority. They felt that changing this over to the Department of Safety at this time after investing \$225,000 would be inappropriate. So we are going to go along with it for a period of time and see how it works out.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, January 16 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

HCR 20, joint rules for the 1990 Legislative Session.

HB 562-FN, making technical changes in the election laws.

SB 302, relative to the Mount Washington Commission.

SB 383-FN, relative to a vocational center in Clarendon.

SB 301-FN, relative to licensing commercial vehicle drivers.

SB 370, authorizing the reinstatement of previously discontinued highways within a town by a vote on an article in the warrant.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

January 16, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we thank you for giving us the courage and spirit for meeting the challenges of each new day!

Let us be vigilant in our endeavors and successful in our accomplishments! Help us Lord, so to do.

Amen

Senator McLane led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RESOLUTION

Senator Hough moved the adoption of the Senate Rules as amended.

AMENDMENT TO SENATE RULES

17. All petitions, memorials and other papers addressed to the Senate and all bills and resolutions to be introduced into the Senate shall be delivered or caused to be delivered to the Office of Legislative Services, which in turn will submit it to the sponsor for his signature, and then to the Clerk by Legislative Services. If requested by the sponsor, a proposed bill, resolution or petition shall not be made public, except by the sponsor, until signed by the sponsor. During any adjournment the President may receive bills and resolutions for printing and for reference to committee, provided that no bill shall have a public hearing until it is formally introduced into the Senate printed and available for distribution. The President shall take up all bills and resolutions for introduction at the early session.

****AMEND THE DATES IN THE FOLLOWING RULES****

17-A (a) No request by a member of the Senate for drafting a bill or a joint resolution, other than the general appropriations (budget) bill or the capital budget bill, shall be accepted by Legislative Services for processing unless the subject matter of the legislation has been filed with legislative Services after May 11, 1989. OLD DATE WAS WEDNESDAY, DECEMBER 7, 1988.

(B) The office of Legislative Services shall not draft a Senate bill or joint resolution, other than the general appropriations (budget) bill or the capital budget bill, unless the complete information necessary for drafting such a bill or joint resolution is submitted to Legislative Service not later than 5:00 p.m. on Monday, October 2, 1989. OLD DATE WAS WEDNESDAY, DECEMBER 21, 1989.

(c) Every Senate bill and joint resolution, other than the general appropriations (budget) bill or the capital budget bill, must be signed off in Legislative Services by 5:00 p.m., on Monday, November 20, 1989. OLD DATE WAS TUESDAY, JANUARY 03, 1989.

(d) Notwithstanding the provisions of 17 (a), (b), and (c), a Senate bill, Senate joint resolutions, or Senate concurrent resolution may be accepted by Legislative Services for drafting and introduced into the Senate at any time prior to the deadline established by Joint Rules for the transfer of bills out of the first body if approved by either a majority of the Senate Rules Committee or a two-thirds vote on the floor.

****END OF AMENDED RULES****

Adopted.

RESOLUTION

Senator Dupont moved to adopt **Senate Resolution 1**, relative to the Portsmouth naval shipyard.

SENATOR DUPONT: I stand before you today looking for your support on SR 1. Those of you who have paid any interest to what is going on in the seacoast area with Pease, have to be a little bit alarmed at recent news of what is going on with the Portsmouth Naval Shipyard. There was an article in the Sunday News that says the timing for cuts in jobs could hardly be worse. Coming from the seacoast area, you have to understand that we are all worrying about what is going to happen with Pease Air Force Base and then on top of that the recent announcements concerning the potential loss of 3000 jobs at the Navy base in Kittery, don't really add to optimism by many of my constituents and the constituents of those

who represent the seacoast communities. Just so that you understand the impact of what we are talking about. In New Hampshire, there are 4300 jobs that are held by civilian employees at the Naval Shipyard with 107 million dollar annual payroll. We are talking about obviously a severe economic impact, if we in fact, lose these jobs. And while as a good Republican I stand in front of you today, and tell you that we need to balance the federal budget, however, given the significance of the elimination of Pease Air Force base, we on the seacoast think New Hampshire has done its share. My resolution basically calls on the Congress to recognize the fact that we have agreed to close Pease Air Force base and have put together a group to help redevelop the base. But certainly, on top of that making significant cuts in employment at the Naval Ship yard is going to have a real drastic negative impact on the State of New Hampshire. With that I would ask my colleagues in the Senate today to stand with me in sending this message that we need some assistance on this matter.

SENATOR PRESTON: I am pleased that this motion was initiated by Senator Dupont. And I am pleased to join with him as a sponsor. I have a letter drafted to send to Governor Gregg today on the very same subject, saying that this is too much of a hit for the seacoast to take because of the pending Pease situation when we are attempting to determine the reuse. To do this would be totally unfair. And forgive me for being partisan for a moment, but I must ask you, Mr. President and the Majority Leader and the man in the Executive Office to imitate some Democrats. If you recall back in the mid 60's there was a threat to close the entire naval shipyard, and if you recall at that time, there was a democratic United States Senator MacIntyre and the state newspapers and everyone in the State was going to hang this man for allowing this to happen while a Democrat was in office and we had a Democratic president. And the US Senator then held hearings in Portsmouth and demanded that Secretary of Defense McNamara come to Portsmouth and the decision was reversed. If I held the esteemed position that you did, Mr. President as the Majority Leader or the Governor, so close to Governor Sununu, of being a favorite son of President Bush, I think you should pick up the phone and demand that the decision be reversed as Johnson and MacIntyre did in the mid 60's. It is too much of a hit for us to take at this time. We are responsible people on the seacoast of New Hampshire, but it is too much to ask. We are pleased to have the President land at Pease, but when he flies over the Naval shipyard we want full employment.

SENATOR BLAISDELL: I rise in support of this resolution. I commend Senator Dupont and Senator Torr and Senator Krasker and Senator Preston. But this goes beyond that area, it comes to my area too. We are deeply concerned about what happens to Pease Air Force base in my area. We were wishing that there was a stronger voice maybe in the Congress, to stop that. I still think it can be stopped. But this resolution here, protects jobs for people of the State of New Hampshire. But most importantly, it will keep open a shipyard that I believe has the highest degree of workmanship come out of that shipyard. We should be very proud of that in the State of New Hampshire. I would hope that we could send a stronger message to the congressional delegation. I am sure that Senator Rudman and Senator Humphrey, Representative Douglas and Representative Smith are hearing from other constituents but I want to be sure that we send a strong message from this Senate that we will not tolerate having that base closed.

SENATOR JOHNSON: I, too, rise in support of this resolution. I think it is important for us to recognize that nuclear submarines will continue to be a vital part of our defense force. It is also important to recognize that the Portsmouth Naval Shipyard will be a key component in the overhaul of the existing nuclear submarines. Having said that, I want to make sure that everybody understands that this action would indeed be short-sighted because if the Sea Devil were postponed or cancelled with the combination loss of jobs and employment at the shipyard, then when the next overhaul would come forward, the shipyard would be accused of not having the available and qualified work force to handle the subsequently scheduled submarines. So this is a very short-sighted action being proposed.

SENATOR STEPHEN: I endorse Senator Dupont and the people who have spoken of the Naval shipyard. Senator Stiles Bridges helped bring that naval shipyard and have it opened to people, especially in our State, working there. We in New Hampshire have seen an undertaker congressional delegation. All they are managing to do, it seems, is to bury people who have lost jobs in the State. We already have lost Pease, and let's not score another knockout, and lose the Naval shipyard.

SENATOR NELSON: I heard everyone else speaking and I thought would also. I don't want to see the people of New Hampshire have the federal budget balanced on their backs. So I strongly support the resolution.

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand nine hundred and ninety

A RESOLUTION

relative to the Portsmouth naval shipyard.

Whereas, the Portsmouth naval shipyard is deemed to be a vital component of the economy of the seacoast and of both the states of New Hampshire and Maine; and

Whereas, the rescheduling or curtailment of designated work for this shipyard would not be in the best interests of the current employees; and

Whereas, the families of said employees would suffer serious financial difficulties; and

Whereas, although the people of New Hampshire recognize the necessity for a balanced federal budget, it is also felt that the prospective closing of Pease Air Force base is a significant contribution to this budget crisis already being experienced by the people of this area and state; now therefore be it

Resolved by the Senate:

That the United States Congress should impress upon the Department of Defense that every effort and consideration should be made to relieve the state of New Hampshire of the devastating impact on the economy of seacoast region, should work be curtailed at the Portsmouth naval shipyard; and

That copies of this resolution, signed by the president of the senate, be forwarded by the clerk of the senate to the members of New Hampshire's and Maine's congressional delegations.

Adopted.

COMMITTEE REPORTS

SB 316-FN-A, relative to the governor's education improvement program and making an appropriation therefor.

Ought to Pass with Amendment. Senator Disnard for the committee.

SENATOR DISNARD: I am in the unusual position of strongly supporting Governor Gregg in his inaugural address of a year ago, and in his State of the State address several weeks ago regarding education. I refer specifically to SB 316, relative to the governor's education improvement program and making an appropriation therefor. I don't want to insult your intelligence. The amendment to the bill is on page 8 and 9, however, I would like to say that the present Gover-

nor, as compared to the past governor who had \$8 million for educational initiatives, the present governor through this legislature, was not granted any funds. I don't wish to imply that he approached me with the problem that we are facing with the budget today. But I call to your attention the fact that under the governor's initiative program that we just completed, over 2500 teachers received computers, over 50,000 students are involved with computers, technology and science in the classroom, an improvement in mathematics for 2300 teachers and 57,000 students. We even had gifted and talented programs for 7000 students in the State of New Hampshire. Many of these programs, 95 percent, went directly to the local school districts. Also, we have had an impact in education. We are attempting to save some of these programs. Approximately \$8 million has been spent, but I understand about another \$8 million is now contributed by the school districts. This program is in danger of elimination. Now I fully realize that 40 percent of the schools in New Hampshire that now have computers wouldn't have had computers if it wasn't for this program. I understand what they are talking about when they mention shoveling sand against the tide, because of the present situation. This bill asks for \$270,000 for two programs in administration. I understand what is going on. But the bill originally asked for \$850,000. And let's help the Governor. Let's help the Governor be known as the educational Governor he desires, and in the State of the State message, remember what he said. Even though he mentioned the deficit, he also mentioned he wanted to improve education. We can help the Governor and the governor's office improve education. Please pass this bill. Let Senate Finance look at it and I know that the good Senators in Senate Finance will assist the Governor in helping education in this State. Remember we can't cut out all programs. We still have to continue after this deficit problem. I will be happy to answer any questions. I won't go into any special part of the program but I will address any questions you may have. It is a good program.

SENATOR BOND: Senator Disnard, I appreciate how personally dedicated you are to the intent of SB 316 and I share the same feelings because I was chairman of the school district that received a great deal of support for the computers for teachers program. But, my concern now that I would like you to address is, is it the right time to be addressing more funding for that program when it could have been handled in the past budget or could be handled in the upcoming budget in the next session of the legislature, in light of the severe economic situation that we find ourselves in?

SENATOR DISNARD: Senator Bond, it is always the right time to assist education. Now, how many times have we heard of industries in this country in times of low income cut back on research and development, areas they need to spend money on to move ahead. Education is in the same area. We are not asking for the \$8 million the previous governor had to spend. We are just asking for \$270,000 to keep educational programs going in this State and I think we can afford it. Let's face it, 190 million dollar deficit, we are not going to solve all that. Let's not kill education. Let's keep some things floating.

SENATOR HOUGH: Senator Disnard, would you please address the amendment that the committee has adopted and is part of the report?

SENATOR DISNARD: The amendment, the committee has adopted lowers financially from \$850 to \$270,000. The main section of this bill now has the Department of Education, in consultation with the State Board of Education still involved in the project as in the past. This was a good program because non-educators were the overseers, or the board of directors or whatever you wish to call the board of governor's that discussed the program and worked many hours and then worked with the Department of Education to improve it. The Department of Education is involved and they totally support the program. The amendment takes it from one division and reinstitutes it in the Department of Education, lowers the \$850,000 down to \$270,000.

SENATOR NELSON: Senator Disnard, I noticed that this bill will better prepare students for secondary math and science, a major problem in the continental United States. What happens if we don't pass this bill to these teachers for the secondary math and science programs for the state?

SENATOR DISNARD: Whereas we have probably the lowest of the industrial countries in terms of mathematics and science understanding in this world, we will go lower and lower. We want some of those industries to move up into this State. We have to have the science and technically skilled people to work with them.

Amendment to SB 316-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Change to Education Improvement Program. Amend the introductory paragraph of 1985, 317:5, I to read as follows:

I. There is hereby established the governor's steering committee consisting of 17 members who shall be mandated to aid the depart-

ment of education in directing and developing the [excellence in] education **improvement** program. The committee members, shall consist of:

2 Education Improvement Program Reference; New Term. Amend 1985, 317:5, II to read as follows:

II. The department of education, **in consultation with the state board of education**, shall act through [3] **2** separate [programs] **projects** as outlined in section 6 of this act. **An** action [committees] **committee** shall be appointed in each [program] **project** area to give specific advice and direction to the department. Each action committee shall include representatives of those affected by each proposed [program] **project** and individuals who have expertise in those areas.

3 Education Improvement Program; 2 Projects. 1985, 317:6 as amended by 1987, 294:3 and 294:4 is repealed and reenacted to read as follows:

317:6 Education Improvement Program. The department of education, in consultation with the state board of education, and with the help of the steering committee and the relevant action committee, shall study how to best establish the following 2 projects:

I. A project for teacher excellence in mathematics and science that shall include activities such as:

(a) Development and implementation of regional training programs in mathematics and science content and pedagogy for elementary-level teachers.

(b) Collaboration with existing department of education and university system of New Hampshire programs for teacher training in science and mathematics.

(c) Use of flexible program designs which depart from traditional approaches and incorporate use of appropriate technology.

(d) An attempt to match money from the U.S. Department of Education.

(e) An attempt to receive support from business and industry.

(f) Requirement of school district financial participation.

II. A project for teacher excellence that shall include activities such as:

(a) Implementation of a model state plan for enhancement of existing educational resources through use of computer technology, particularly in the areas of mathematics and science.

(b) Local district teacher training in education and computers.

(c) Providing technical assistance to local districts to develop plans for teachers and technology.

(d) Support for selected local districts in implementing local plans.

(e) Evaluating local district efforts and refining the model state plan.

(f) Support staff for the governor's steering committee on education improvement.

4 Education Improvement Program; Report. 1985, 317:7 as amended by 1989, 408:59 is repealed and reenacted to read as follows:

317:7 Report. The department of education with the aid of the steering committee shall submit a progress report no later than January 1, 1991, to the senate education committee, the senate finance committee, the house education committee, the house appropriations committee, and the governor. The report shall include progress on the establishment of the projects established by this act and recommendations for their continued development.

5 Appropriation. In addition to any other sums appropriated, the sum of \$270,000 is hereby appropriated for the fiscal year ending June 30, 1991, to the department of education for the purposes of funding the education improvement program as provided in section 3 of this act and administrative costs of the governor's steering committee on education improvement in the following manner: \$100,000 for the teacher excellence in mathematics and science project, \$100,000 for the teacher excellence project, and \$70,000 for administration and support for the governor's steering committee on education improvement. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill changes the session laws relative to the governor's steering committee on excellence in education. The name of the program is changed from "excellence in education" to "education improvement," and the new term used for the subsidiary programs is "project." The department of education continues to assume primary administrative responsibilities for the education improvement program and will act in consultation with the state board of education in administering the program.

The bill establishes 2 projects to be administered under the program, teacher excellence and teacher excellence in mathematics and science, to take the place of previous projects.

The bill also makes an appropriation to the department of education for the purpose of funding the education improvement program and its administration.

Amendment adopted. Referred to Finance (Rule #24).

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns.

Ought to Pass. Senator Johnson for the committee.

SENATOR JOHNSON: SB 305 is a technical change to the laws that we passed last year in regard to election laws. It simply allows now the return of the filing fee back to the city and town from representatives. I would say that this is a minor technical change on a non-far-reaching issue.

Adopted. Ordered to Third Reading.

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect.

Ought to Pass with Amendment. Senator Currier for the committee.

SENATOR CURRIER: The amendment is on page 9 of the calendar today. Basically the amendment addresses extending the deadline relative to the raising of matching contributions for the trust fund for the prevention of child abuse and neglect. During the committee discussion, the representatives from the commission indicated that their fund raising efforts have been somewhat squelched in the sense that industry today, which was their first phase for fund raising, has responded considerably well. However, it hasn't exceeded the actual demand or requests that they have for the \$500,000 in terms of matching grants. And the committee is basically extending the dates to two years out to give them additional time to do additional fund raising within the private sector as well as industry. And I would urge the Senate support for the amendment as well as the motion.

Amendment to SB 338-FN

Amend the bill by replacing section 1 with the following:

1 Date of Matching Contributions Conditionally Extended; Additional Appropriation Date Extended. Amend 1986, 184:2, II(a) as amended by 1987, 372:8 and 1989, 129:1 to read as follows:

(a) In the event that the sum of \$500,000 appropriated by paragraph I(a) of this section is not matched by non-state contributions or pledged contributions by June 30, [1989] **1992**, the deadline for such matching contributions is extended to June 30, [1990] **1993**. If the sum of \$500,000 appropriated by paragraph I(a) of this section is matched by non-state contributions or pledged contributions by June 30, [1990] **1993**, then an additional \$500,000 shall be appropriated by the general court to the trust fund reserve account no later

than June 30, [1990] 1993. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill extends dates relating to the raising of matching contributions for and an appropriation to the trust fund for the prevention of child abuse and neglect from June 30, 1990, to June 30, 1993.

Amendment adopted. Ordered to Third Reading.

SB 356-FN-A, providing administrative support to the personnel appeals board and making an appropriation therefor.

Ought to Pass. Senator Currier for the Committee.

SENATOR CURRIER: Any permanent State employee who was affected by the application of a personnel rule, with some exceptions, may appeal to the Personnel Appeals Board within 15 days any action giving rise to appeal. The board needs to give the appearance of impartiality in both its physical location and use of staff. Currently the personnel board is being staffed by the Division of Personnel and so forth and is presently located within the Department of Personnel and uses the secretary of the Director of the Division of Personnel. Its work load increases as the size of the state workforce increases. And at the present time there is a back-log of 92 cases. Hence, the bill is setting the Personnel Appeals Board up as an independent unit with staff. This was a part of SB 42 from last year which was sent to Interim Study by the Executive Departments Committee. The committee studied it and this is basically an agreed upon bill between the Director of Personnel, the Director of Operations for the SEA and the current Chairman of the Personnel Board. The committee was unanimous in its decision. The mode is ought to pass and send it Senate Finance where it is hoped that they will be able to find the money to fund this worthwhile project.

SENATOR MAGEE: I heard you mention about the increasing state employees and so forth, are we not keeping on an even keel with state employees or are we going in the other direction?

SENATOR CURRIER: I almost was going to interject in my comments that, in fact, we are, at this juncture anyway, decreasing our State employees. However, with the complexity of some of the other things that we are doing as a State Government, the appeals process and the right of appeal in a given personnel matter has a tendency to increase with the complexity. I don't necessarily see that the num-

ber of State employees being reduced as a result of the so called reduction in forces is going to really do anything to reduce the number of cases. However, there is one situation where it is almost viewed on the part of State employees and others that in fact there is a conflict of interest that the Personnel Appeals Board is housed physically under the Department of Personnel, which they are in fact appealing to. We discussed this at length at the committee and we did it during the last session also. We feel that it is in the best interest of the State Personnel Appeals Board to go this route.

SENATOR NELSON: Senator Currier, I understand what you are saying, but one of the largest bureaucracies in the State, the Department of Administrative Services, we now want to give them a full-time classified position in their area. Is it not possible that we could piggy-back on some of the services that exist there; use one of the secretary's expertise?

SENATOR CURRIER: Yes, and I think that is probably a good idea. However, it wasn't the purpose of the Executive Departments committee to really take that into consideration as to how it was going to be funded. And I would agree that I would think that they could do that.

SENATOR NELSON: Why are we putting this into the Department of Administrative Services, the biggest bureaucracy in the state?

SENATOR CURRIER: I really don't have an answer. Where else would you like it to go? That was what was suggested and the Governor, as I understand it, is in agreement with the provision of this bill. And I am not really sure why it was there and not with DRED or some other division or department.

Adopted. Referred to Finance (Rule #24).

SB 378-FN, making technical amendments to the liquor laws.

Ought to Pass. Senator Currier for the Committee.

SENATOR CURRIER: This bill is basically a housekeeping bill. The bill repeals a paragraph linking the salary of the Chairman of the Liquor Commission to the salary of the Executive Director of the Commission as the position of Executive Director no longer exists. The bill also requires that recommendations for delisting as well as listing be made by the Director of Marketing and Merchandising of the Liquor Commission itself.

Adopted. Ordered to Third Reading.

SB 307-FN, relative to state employee retiree dependent medical insurance.

Ought to Pass. Senator Magee for the Committee

SENATOR MAGEE: This bill requires the State to include fully dependent children of certain retired State employees in the medical and surgical benefits afforded to retired New Hampshire State employees. It usually runs about 100 to 125 people. This was something that we did as a matter of course until there was an LBA audit of the system. We are putting something back into the law that was done as a matter of practice and the committee voted unanimously to send this to the Finance Committee.

Adopted. Referred to Finance (Rule #24).

SB 315-FN, relative to health insurance for retired municipal employees.

Ought to Pass. Senator Magee for the Committee

SENATOR MAGEE: Health insurance is provided to Group I retired employees and an offset is given to the Group II people to provide for the health insurance. Retired municipal employees would like the same provision. The bill was not well drafted, however, and it was the consensus of the committee that this should be sent to Finance to change and clean up drafting errors as well as to see if there was money available for the proposal. No one appeared or spoke against this bill.

Adopted. Referred to Finance (Rule #24).

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

Ought to Pass. Senator Blaisdell for the Committee.

SENATOR BLAISDELL: SB 343 usually would pass right through this body maybe not even go down to Finance, but I have asked as chairman of Finance to have this bill sent to me. There is a problem with one section of the bill. In fact all of these retirement bills that you see coming up before you today should all be sent to Finance. We are looking into the special account to see if we can fund. I would appreciate your courtesy to send them down to Finance to see if we can't straighten out the bill.

Adopted. Referred to Finance (Rule #24).

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

Ought to Pass. Senator Blaisdell for the Committee

SENATOR BLAISDELL: In looking at SB 346, you will note that it provides a 10 percent cost of living adjustment for teachers who retired prior to 1957. I believe there are 6 left with an average age of 103. And I think when we found these people many years ago, I think the average income was about \$88 a month. So we are giving them, if you're asking why it is a 10 percent increase, it is because these people of course did not have social security. We want this in Finance also to check the special account. I see no problem with the bill, but I would appreciate your sending it down to us in Finance.

Adopted. Referred to Finance (Rule #24).

SB 347-FN, to provide an automatic cost of living adjustment for group I retirement system members.

Ought to Pass. Senator Magee for the Committee

SENATOR MAGEE: In prior years, we have had bills that would allow the special account to be used for COLAs for a specified period of time. This bill would make it automatic in the future. The analysis on the bill is correct and would be pegged to the CPI. It was the unanimous decision of the Insurance Committee to send it to Finance to determine if the funds are available.

Adopted. Referred to Finance (Rule #24).

SB 367-FN, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988.

Ought to Pass with Amendment. Senator Magee for the Committee

SENATOR MAGEE: Group II means firemen and policemen and would extend medical benefits to those who obtained disability retirement between June 30, 1988 and June 30, 1989. This is being sent to Senate Finance because there is a serious disagreement between the actuaries as to whether the money is there or not. The amendment is meant to cover the widows and children of two troopers who were killed in the automobile accident with the Canadian trucker before Christmas.

Amendment to SB 367-FN

Amend the title of the bill by replacing it with the following:

AN ACT

to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988, relative to medical and surgical benefits for the children of deceased group II members, and relative to accidental death benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 Medical Benefits Extended. Amend RSA 100-A:55, I to read as follows:

I. The additional benefits provided under RSA 100-A:52 shall apply to persons who are active or retired members of group II as of June 30, 1988 **and to persons who are group II members on disability retirement who become members of group II after June 30, 1988.** Such additional benefits shall not apply to **other** persons who become members of group II after June 30, [1988] 1990, without future legislation to include them. It is the intent of the legislature that future group II members shall be included only if the total cost of such inclusion can be funded by reimbursement from the special account established under RSA 100-A:16, II(h).

2 New Paragraph; Offset Provision; Accidental Death Benefits. Amend RSA 100-A:8 by inserting after paragraph III the following new paragraph:

IV. The offset provisions of paragraph III shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty. In this case any amounts paid or payable under the provisions of any workers' compensation or similar law on account of the death of the member shall not be offset against or payable in lieu of any state annuity payable under the provisions of this section on account of the same death.

3 Payment of Medical Benefits to Children and Spouses. Amend RSA 100-A:52, I by inserting after subparagraph (d) the following new subparagraph:

(e) The children of a deceased group II member who are under 18 years of age, or under 23 years of age if attending school on a full-time basis; provided that the deceased group II member dies as the natural and proximate result of injuries received while in the performance of his duty.

(f) The surviving spouse of a deceased group II member when the member dies as the natural and proximate result of injuries obtained while in the performance of his duty.

4 Application. The provisions of sections 2 and 3 of this act shall apply to any surviving spouse or child who would have qualified under sections 2 and 3 if those sections had been in effect at the time the member died.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends medical benefits under RSA 100-A:52 to group II members on disability retirement who become members of the New Hampshire retirement system after June 30, 1988.

The bill provides that the offset provisions for workers' compensation, accidental death benefits under RSA 100-A:8 shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty.

The bill also adds certain children and surviving spouses of deceased group II members to the list of individuals eligible to receive medical benefits from the New Hampshire retirement system.

Amendment adopted. Referred to Finance (Rule #24)

SB 314-FN, relative to the New Hampshire energy authority.

Ought to Pass with Amendment. Senator Dupont for the Committee.

SENATOR DUPONT: Senate Internal Affairs committee heard testimony on SB 314-FN which was a piece of legislation that in essence puts the New Hampshire Authority out of business. The amendment in the calendar deals with the date at which point the Energy Authority will no longer exist. Because of the on going approval process for the NU proposal, it was felt that it might be prudent for us to forestall that termination date until June 30, 1991.

Amendment to SB 314-FN

Amend the bill by replacing section 6 with the following:

6 Effective Date. This act shall take effect January 30, 1991.

Amendment adopted. Ordered to Third Reading.

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor.

Ought to Pass. Senator Dupont for the Committee.

SENATOR DUPONT: SB 326 is a piece of legislation partially in response to some of our current budget problems. For those of you who remember the ABCC committee, ABCC, had this authority with three consecutive months of revenue expectations not being met. The Governor used to have the authority to go into the ABCC committee and recommend reductions in State spending. When we received parity on the fiscal committee, ABCC was done away with and the feeling at the time was because we are in session every year that this authority is no longer needed. As all of you recognize, we have had a budget problem for the last few months and we haven't had a mechanism to deal with it, until such time as we were able to come in here and pass the supplemental budget which we are now working on. This gives the legislature an opportunity to participate in a reasonable and orderly reduction of State spending outside of the time that we are in session.

Adopted. Ordered to Third Reading.

SB 402-FN-A, reinstating certain positions in the insurance department and making an appropriation therefor.

Ought to Pass. Senator Dupont for the Committee

SENATOR DUPONT: SB 402 reinstates positions in the Department of Insurance that were eliminated in the 1989 operating budget. You may ask why we are doing this in light of the fact that we have a budget problem in front of us. Just so that you are aware, the Insurance Department is fully paid for by the insurance industry. The Insurance Commissioner basically hands the domestic insurance companies a bill for the operation of his department. This money has already been assessed upon the insurance industry. And if the money is not used by the department, then it would be used as a credit or returned to the insurance companies. The Insurance Commissioner came before the committee, and felt very strongly that in order for him to conduct the necessary review of insurance company operations that these positions were needed.

Adopted. Ordered to Third Reading.

SB 407-FN, establish the salary and retirement eligibility of the director of the police standards and training council.

Ought to Pass with Amendment. Senator Dupont for the Committee.

SENATOR DUPONT: SB 407 as amended by the committee does not have anything to do with the salary benefits for the director of Police Standards and Training. It merely allows that individual to participate in the group II retirement system while he is in service at Police Standards and Training and after. Basically, that ability is being put into law because we looked at the possibility of attracting a qualified director into the employ of the State and theoretically, we would want to have an active police officer holding that position. As it presently stands, he basically is penalized for the time that he is at Police Standards and Training and does not accrue credit. The salary portions of this bill were eliminated in committee. There is no money in this amendment.

SENATOR JOHNSON: Is it possible that we could be inadvertently encouraging the director of Police Standards and Training to retire early as a result of putting him in group II?

SENATOR DUPONT: No, that is not the intent.

SENATOR JOHNSON: I know that is not the intent but could it happen though?

SENATOR DUPONT: The current director has been a member of the group II system. I don't know what the methodology was that was arrived at to not allow someone to participate in group II when they get over there. It would seem that we might have been looking for an individual that doesn't exist, that is a trained police officer who could operate the facility. They are going to be group II people.

Amendment to SB 407-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the retirement eligibility of the director of the police standards and training council.

Amend the bill by deleting sections 1 and 2 and renumbering sections 3-5 to read as 1-3, respectively.

AMENDED ANALYSIS

This bill defines the director as a permanent policeman for purposes of membership in group II of the New Hampshire retirement system.

Amendment adopted. Ordered to Third Reading.

SB 405-FN, relative to accounting procedures and risk retention of insurance companies.

Ought to Pass. Senator Bond for the Committee.

SENATOR BOND: SB 405 was requested by the insurance department. It sets the maximum risk retention retained by a property and liability company to 10 percent of the company's capital and surplus and it requires insurance companies to use the accounting procedures and practices prescribed by the National Association of Insurance Commissioners Accounting Practices and Procedures Manual.

Adopted. Ordered to Third Reading.

SB 352-FN, relative to establishing time payment schedules for court ordered fines for misdemeanors or violations.

Ought to Pass with Amendment. Senator Preston for the Committee.

SENATOR PRESTON: The courts have essentially been writing off millions of dollars in defaults in fines for the past few years and it is particularly timely that we address this problem. This bill requires the courts to follow certain procedures when imposing fines as part of a sentence. It requires that payment schedules be imposed when defendants can not pay a fine on the date. It allows for the charging of interest and it also requires prosecutors to provide to the court certain information regarding criminal defendants at times of arraignment and sentencing.

Amendment to SB 352-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the imposition of and time payment schedules for
court-ordered fines for misdemeanors or violations and
relative to certain information to be presented
at the arraignment and sentencing of
criminal defendants.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Procedures and Time Payment Schedules in Setting Fines. Amend RSA 651:2 by inserting after paragraph IV the following new paragraphs:

IV-a. The following procedure shall be followed by the court in imposing a fine as part of a sentence for any misdemeanor or violation. The court shall impose the maximum fine under the law for the

misdemeanor or violation committed. The court shall then, if it sees fit, suspend any amount of such fine contingent on the defendant's good behavior for a period to be determined by the court of not less than one year nor greater than 7 years. If the defendant violates the good behavior contingency, he shall owe the maximum fine imposed.

IV-b. Whenever a court imposes a fine as part of a sentence for any misdemeanor or violation and the sentence does not include actual imprisonment, the defendant shall make full payment by cash, certified check, or approved major credit card on the date of sentencing or shall be subject to the following provisions. When full payment of the amount due is not made, the court shall order that the maximum fine allowed under law for the misdemeanor or violation shall be paid, suspending any amount of the fine subject to timely payments under a time schedule agreed upon by the court and the defendant. The time payment schedule may be amended by the court upon proof by the defendant of inability to pay, presented to the court before the defendant is in default for non-payment. If any defendant is in default for non-payment for more than 35 days, the defendant shall owe the maximum fine allowed for the offense and in addition shall owe interest at a rate of one percent per month, until such time as the fine is paid in full. The court shall not waive payment of any interest owed under this paragraph. In cases where a defendant has had his driver's license revoked or suspended as part of his sentence, his license shall not be reinstated until the court has certified to the division of motor vehicles that his fine has been paid in full.

2 New Section; Information to be Presented at Sentencing. Amend RSA 651 by inserting after section 4-a the following new section:

651:4-b Information to be Presented at Time of Sentencing. Until such time as the court system is fully computerized, it shall be the responsibility of the prosecutor, before a sentence is imposed on a criminal defendant, to bring to the attention of the court all outstanding defaults, warrants, writs of *capias*, violations of probation or parole, and suspended sentences from the record of such defendant. This information shall include the name of the court imposing the sentence, the offense charged, the date of sentencing, and the sentence imposed. When the court is computerized, such responsibility shall become the responsibility of the clerk of the court.

3 New Section; Information to be Presented at Arraignment. Amend RSA 601 by inserting after section 2 the following new section:

601:2-a Information to be Presented at Time of Arraignment. Until such time as the court system is fully computerized, it shall be the responsibility of the prosecutor, at the time of the arraignment of a criminal defendant, to bring to the attention of the court, to the

extent that time permits, all outstanding defaults, warrants, writs of *capias*, violations of probation or parole, and suspended sentences from the record of such defendant. This information shall include the name of the court imposing the sentence, the offense charged, the date of sentencing, and the sentence imposed. When the court is computerized, such responsibility shall become the responsibility of the clerk of the court.

4 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires courts to follow certain procedures when imposing fines as part of a sentence for any misdemeanor or violation.

The bill also requires time payment schedules to be imposed whenever defendants cannot pay a fine on the date of sentencing for a misdemeanor or a violation. The bill establishes penalties for failure to comply with a time payment schedule.

The bill also requires prosecutors to provide to the court certain information regarding criminal defendants at the times of arraignment and sentencing. Once the court system is computerized, the responsibility to provide such information shall rest with the clerk of the court.

Amendment adopted. Ordered to Third Reading.

SB 366-FN, relative to procedures in imposing court-ordered fines for misdemeanors or violations.

Inexpedient to Legislate. Senator Preston for the Committee.

SENATOR PRESTON: Simply put, the body of SB 366 was placed into the bill that we just heard, so there was no need for this piece of legislation.

Adopted.

SB 408-FN, relative to alcohol offenses, transporting alcoholic beverages and children in need of services.

Interim Study. Senator Podles for Committee

SENATOR PODLES: SB 408 permits the prosecution of 16 and 17 year olds that are CHINS for violation of liquor laws in the adult session of the district court. It also imposes a mandatory period of revocation of a drivers license for 90 days. Parts of this bill were passed in the 1989 session, but the other half has merit and so we put it in Interim Study.

Adopted.

SB 310, increasing the amount of security deposit that may be required for tenancy.

Inexpedient to Legislate. Senator King for the Committee.

SENATOR KING: The committee determined that the current law which allows a landlord to ask for the equivalent of one month's rent as a security deposit was sufficient under the circumstances and that it was not judicious to change the law now and to make it any more difficult for somebody to get into an apartment. So we recommend Inexpedient to Legislate.

Adopted.

SB 311, relative to eviction of a tenant for non-payment of rent.

Inexpedient to Legislate. Senator McLane for the Committee.

SENATOR MCLANE: I am sorry that Senator Magee isn't here because I had a little poem for him that I learned in first grade. You take a paper napkin and pinch it in the middle. And you make it so that it can either be a hair ribbon or a moustache or a bow tie. And then you say, "I've come for the rent, the rent, the rent." "I haven't the rent, the rent, the rent." "I've come for the rent, the rent, the rent." "I haven't the rent, the rent, the rent." "I will pay the rent." "Curses, foiled again." "My hero." That was all I could think of all that long morning. But we had a few people with hair ribbons on who couldn't pay the rent. And then we had Senator Magee with his moustache. And he took a beating a bit. But, I think the final result of the report is that SB 311 is an expedited process now. And we felt that to expedite it any further was not in the interest of even the people paying the rent or of the landlords.

SENATOR KING: Would you agree that while what you said was true that at the same time we agreed in the committee that Senator Magee's efforts were well intentioned and that he was indeed representing a concern of some constituents and a legitimate concern that some times you have bad guys who are tenants as well as bad guys who are landlords.

SENATOR MCLANE: Absolutely, and not only that but we agreed that he was a brave man and that there was a problem. And that the explanation was that he was chipping away at the edges of the problem instead of addressing the problem.

SENATOR JOHNSON: Senator King, would you agree with me that this bill and the discussion that we had that day served a useful purpose nonetheless?

SENATOR KING: Absolutely, one of the purposes that it served was there was some agreement between those aligned to tenant organizations and landlord's organizations that they ought to start working together to come up with some ways to address these things together.

SENATOR JOHNSON: So you are saying, in fact are you not, that there was valuable communication between the various interested parties that were present that day?

SENATOR KING: Yes, I would and I think Senator Magee should be commended for bringing the issue to the forefront for discussion.

Adopted.

SB 322, relative to allowing courts to collect rent arrearages after an appeal is filed.

Inexpedient to Legislate. Senator McLane for the Committee

SENATOR MCLANE: It was felt that only in Superior Court could a tenant have due process with the right to question. The assumption made by the landlords was that the tenant was behind on the rent for a reason that they didn't have the money instead of that they weren't paying because of repairs that needed to be made. So this bill would call for them to pay the money while it was under appeal. And in the interest of due process, it was felt that that wasn't the answer to the problem.

Adopted.

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor.

Ought to Pass with Amendment. Senator Bond for the Committee

SENATOR BOND: SB 340 is enabling legislation that will allow school districts to bill medicaid for medically related services for which they are now paying 100 percent of the costs. It was termed in the testimony as a local relief bill. It was in fact one of the best words that we have heard in this session as far as I can see. There are 18,000 students in New Hampshire with educational handicaps and 2,025 are eligible for reimbursement of 50 percent of the local district costs. The amendment clarifies that there is no State appropriation for the bill and that federal funds will provide payment of \$2,727,200 for the purposes of this act. It also includes local educational agencies as well as school administrative units as medicaid

providers for the purpose of administration and billing, thus making it possible for them to bill directly and not have to pass through the State.

SENATOR DUPONT: I just didn't want to pass up this opportunity to bring something to the attention of the Senate. Often times we hear comments about property tax relief and through the assistance of one of our State agencies, the Division of Mental Health, this piece of legislation was brought forward. In the last session, we ran into some problems in the House with it, because I don't think the real meaning of it was understood. But I applaud the committee for bringing this out and bringing it out as quick as can be. This piece of legislation allows your local communities to apply for medicaid funds for some of the services that they now are paying for 100 percent out of local property tax dollars. This is something you can take back to your constituents and take back to your communities and say that we are providing some assistance. And certainly, Mental Health ought to be applauded for the work that they did on this.

Amendment to SB 340-FN-A

Amend RSA 186-C:23 as inserted by section 1 of the bill by replacing it with the following:

186-C:23 Program Established; Purpose. There is established within the division of mental health and developmental services, department of health and human services, a medicaid reimbursement program for medically-related services to educationally handicapped students. The purpose of the program is to seek medicaid reimbursement for services provided by local educational agencies and/or school administrative units to educationally handicapped students which are reimbursable under federal law but which are currently fully funded by such agencies or administrative units. The program shall be voluntary and is designed to assist handicapped children by maintaining them in their own homes and communities.

Amend RSA 186-C:24, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Offer an appropriate educational program in addition to any services billable to medicaid.

Amend RSA 186-C:26 as inserted by section 1 of the bill by replacing it with the following:

186-C:26 Enrolled Providers; Administration and Billing. New Hampshire local educational agencies and/or school administrative units shall be the enrolled medicaid providers for the purpose of administration and billing.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$2,727,200 for the biennium ending June 30, 1991, is hereby appropriated from federal funds to the division of mental health and developmental services, department of health and human services, for the purpose of this act. This appropriation is in addition to any other funds appropriated to the division. The governor is authorized to draw his warrant for said sum out of the appropriate funds.

AMENDED ANALYSIS

This bill establishes a voluntary medicaid reimbursement program for medically-related services provided to educationally handicapped children by local educational agencies and school administrative units.

The director of the division of mental health and developmental services is granted rulemaking authority to accomplish the purposes of this bill.

There is an appropriation from federal funds for the purposes of the bill.

Amendment adopted. Ordered to Third Reading.

SB 394-FN, relative to non-recurring adoption expenses and foreign adoptions.

Ought to Pass. Senator Podles for the Committee.

SENATOR PODLES: SB 394 brings New Hampshire into compliance with federal regulations. It provides for a reimbursement of \$2000 for non-recurring adoption costs to adoptive parents of hard to place children with special needs. These are the parents who open up their hearts and homes to hard to place children. The federal government now requires State reimbursement in lieu of the income tax deductions which were previously allowed. DCYS estimates that 20 cases each year will be eligible for non-recurring adoption expenses at a cost of \$40,000. But counties will reimburse the State 12.5 percent and then the federal government will pay 50 percent or \$20,000 of the cost.

SENATOR HEATH: I just have a few questions. One is, is that a mandated cost on the counties?

SENATOR PODLES: No, it is not. County expenditure will increase \$5,000 in fiscal 1990 and each year thereafter.

SENATOR HEATH: My second question is, what is a foreign adoption? Is that an export of a child or an import of a child?

SENATOR PODLES: Probably an import. I am not sure. I am reporting this for Senator Krasker.

Adopted. Referred to Finance (Rule #24).

SB 375-FN, relative to simulcast wagering.

Inexpedient to Legislate. Senator Torr for the Committee.

SENATOR TORR: SB 375 would have permitted simulcast wagering. With the turn of events in Massachusetts relative to Suffolk Downs, the sponsor felt there wasn't a need for the legislation at this time. Therefore, the committee recommends Inexpedient to legislate.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday January 18, 1990, at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns.

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 378-FN, making technical amendments to the liquor laws.

SB 314-FN, relative to the New Hampshire energy authority.

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor.

SB 402-FN-A, reinstating certain positions in the insurance department and making an appropriation therefor.

SB 407-FN, relative to the retirement eligibility of the director of the police standards and training council.

SB 405-FN, relative to accounting procedures and risk retention of insurance companies.

SB 352-FN, relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants.

SB 340-FN-A, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor.

Senator Dupont moved to adjourn.

Adopted.

Adjourned.

January 18, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, in these exciting and trying days, we need a common ground of unity! Like the framers of our country, we must hang together or we shall all hang separately! We must be watchful, like the sign at the railroad crossing: Stop. Look. Listen!

Amen

Senator St. Jean led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

SB 327-FN, relative to a state-sponsored credit card program.

Ought to Pass. Senator Dupont for the committee.

SENATOR DUPONT: If you take a look at SB 327-FN, you will find that it is very similar to a bill that was before this body last year, and passed this body. The Senate Banking Committee felt that this bill had some merit, although they did have some concerns that hopefully can be addressed in the process that this sets up. Our recommendation is Ought to Pass.

Adopted. Ordered to Third Reading.

SB 341-FN, establishing the home mortgage guarantee authority.

Interim Study. Senator Dupont for the committee.

SENATOR DUPONT: This, too, is a piece of legislation that members of the Senate have had an opportunity to look at before. We, again, deliberated over how to deal with this piece of legislation because the merit of this bill is significant and could have an impact on New Hampshire residents' ability to purchase homes in the State. However, after much testimony and much conversation with the sponsors, we feel at this point in time that we can not go forward, and that it needs additional work.

Adopted.

SB 393-FN-A, relative to recycling and establishing a recycling fund and continually appropriating the fund for recycling and waste disposal purposes.

Inexpedient to Legislate. Senator Bond for the committee.

SENATOR BOND: This bill, although well intended, is premature in the opinion of the committee. SB 156 established certain goals for recycling of solid waste materials and that is only just in the process of going into effect. The solid waste district plans were due 18 days ago to the Department of Environmental Services. The towns presently are setting up their plans after they are approved by the district. And it is premature to be mandating these things until we know how our present plans are going to work. The committee recommends that this bill be inexpedient to legislate.

Adopted.

SB 404-FN, establishing a household waste management program.

Inexpedient to Legislate. Senator Bond for the committee.

SENATOR BOND: The committee has recommended inexpedient to legislate on this because there is presently a contract with Massachusetts Institute of Technology studying the disposal of hazardous household waste and other waste management. We did not address the question of fees or what not because we feel it is all premature at this time, although the basic bill is good.

SENATOR JOHNSON: Senator Bond, can you assure me that sufficient action is being taken as we speak here now to preclude the requirement for this legislation?

SENATOR BOND: Senator Johnson, it is my opinion that the Department of Environmental Services is making excellent progress in dealing with the problem of solid waste disposal and it has an ongoing plan which as the years go by will become better and better.

Adopted.

SB 409-FN, relative to school attendance as a condition of issuance of driver's licenses to minors.

Ought to Pass with Amendment. Senator Disnard for the committee.

SENATOR DISNARD: I will be brief and just explain the amendment because, at this particular stage if I talk too long, we'll lose votes. I wish to just call your attention to the fact that this body was the first legislative body in the United States to first pass the concept several years ago, under the leadership of Governor Sununu, of the drivers license. However, we ran into problems in the House. The problems, which some of you members had and the House had, are now being addressed in Senator Delahunty's bill. What this bill says, and remember it only pertains to ages 16 and 17, is a youngster under the amendment to this bill on page 21 may leave school but will have his drivers license withdrawn if he has it or not obtain a drivers license, unless he passes a competency test developed at the local level or a diploma or a GED or enrolled in a GED course or enrolled in a tutorial program or enrolled in an adult diploma program or enrolled in home study. In the urban areas, there is mass transit to take students back and forth. In the rural areas, there is a lack of this. There are waivers in here. There are appeal processes. So I think all of the concerns have been addressed. It is not an overall solution. It is just an assistance.

SENATOR KING: Senator Disnard, is there anything in this bill that addresses the issue of what we do with these students once we have told them they must remain in school in order to keep their drivers license?

SENATOR DISNARD: No. I guess you know that 9 states have passed this and 25 states are considering it. It must have some merit. However, to specifically answer your question, this is not an overall solution. But school districts have a responsibility. Certainly, I understand the teacher who says the disruptive student will still remain in school. I understand that, however, we have these distributive education courses in school. Many school boards and superintendents must recognize the fact that all students do not learn within four walls. However, they should have some type of other

programs. For example, under the DEC or the Distributive Education Courses, a youngster may be interested in plumbing. They make arrangements at the local level with a plumber or groups to work with them to. Then they have the courses set up to work with the math teachers. That youngster may be enticed to be more interested in mathematics, if he or she can have problems relating to the break of tolerance of working on a car. They can have a report in school based on their activities of working with other people, meeting people. There are ways to handle it. By the way, some of the price that was asked by a representative to the NEA and I understand their concern and in answer to them and in answer to your question, what a wonderful opportunity for the teachers in our State. There are volunteer programs, after school, to assist some of these youngsters in these particular tutorial programs. No, it is not an answer but it should be the responsibility of the school districts to be realistic.

SENATOR KING: So you would agree, Senator Disnard, that in order to make this bill truly effective, we need to, at both the State level and the local level, make a commitment to having the kinds of opportunities available for those young people who stay in school to actually get an education and to be supported through that process?

SENATOR DISNARD: Certainly, I support that 100 percent, and we also realize that this legislature the last few years has approved dollars for improvement in the elementary grades and that is part of the solution as well.

SENATOR MCLANE: I rise in opposition to this bill. It reminds me of the bill about testing for AIDS before people were allowed to be married. It is the same sort of solution to a really important problem. Twenty-five percent of our young people are not going on to higher education or are dropping out of school. And to say that they can't get a license, is a punishment with no carrot. Senator Hough and I put in a bill for remedial reading in the first grade. That is where we should be addressing this problem. A State that has no public transportation in any but two large towns is not the place to start an experiment in punishing children who can not hack school.

Amendment to SB 409-FN

Amend the introductory paragraph of RSA 263:19-a as inserted by section 1 of the bill by replacing it with the following:

263:19-a School Attendance as Condition of Issuance of License to Minor. Notwithstanding the provisions of RSA 263:17-19 and 263:20, the director shall deny a license for the operation of a motor vehicle

to any person under the age of 18 years who does not at the time of application present a diploma or other certificate of graduation issued to such minor from a secondary high school of this state or any other state, or documentation that the minor is:

Amend RSA 263:19-a, V and VI as inserted by section 1 of the bill by replacing them with the following:

V. Eligible to leave school voluntarily at age 16 or 17 by demonstrating a minimum level of competency as determined by his local school board;

VI. Excused from the attendance requirement due to circumstances beyond his control or for the purpose of transfer;

VII. Enrolled in and attending a adult tutorial program; or

VIII. Enrolled in and attending an adult diploma program.

Amend RSA 263:19-b, I as inserted by section 1 of the bill by replacing it with the following:

I. For purposes of demonstrating enrollment status pursuant to RSA 263:19-a, the relevant superintendent, principal, or adult education program director shall provide documentation of enrollment status on a form provided by the division upon request to any minor 16 years of age or older who is properly enrolled in school. Such documentation shall be presented to the division on any application for or petition for reinstatement of a license to operate a motor vehicle.

Amend RSA 263:56, VI(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Upon suspending the license of any minor as authorized in this paragraph, the director shall immediately notify the minor in writing, sent by certified mail to the last known address of the minor, and upon his request shall afford him an opportunity for a hearing as early as practical within 20 days after receipt of such request. Upon such hearing the director or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the minor. After such hearing the director shall either rescind his order of suspension or, if good cause appears, may extend the suspension of such license or revoke such license.

AMENDED ANALYSIS

This bill prevents the director of the division of motor vehicles from issuing a driver's license to any minor who has not obtained or performed any one of the following:

- (1) A high school diploma or certificate of graduation;
- (2) A general education development (GED) certificate;

- (3) Enrollment and attendance in a public or private high school;
- (4) Enrollment and satisfactory progression in a GED course;
- (5) A passing score on a GED test;
- (6) Home-based instruction;
- (7) Eligibility to leave school voluntarily at age 16 or 17 by demonstrating a minimum level of competency as determined by his local school board;
- (8) A waiver of his attendance requirement due to circumstances beyond his control or transfer to another school or course;
- (9) Enrollment and attendance in an adult tutorial program or an adult diploma program.

This bill is a request of the department of education.

Amendment adopted. Ordered to Third Reading.

SB 335-FN, relative to the department of libraries, arts and historical resources.

Ought to Pass. Senator Stephen for the committee.

SENATOR STEPHEN: This bill really just changes the name of the department. The commissioner of the Department of Cultural Affairs is much easier to say than the commissioner of the Department of Libraries, Arts and Historical Resources. The Executive Departments requests that this bill be ought to pass.

SENATOR HEATH: I rise in strong opposition to this and I know that this is not an earth shaking bill. I have a number of objections. First of all, changing department names is a foolish thing when you have a descriptive name, you change it to something as amorphous as cultural affairs and it rings of the departments in communist counties. And I don't suggest that any member of this body that supports this is a communist. It just has that stupid bureaucratic ring about it. And then you destroy all the stationary and all the trees that were chopped down to make the stationary for that department and you put on this amorphous name. You have a descriptive name. Everybody knows from the current name what this department is all about. And then you put this on. This isn't the Department of Cultural Affairs. Cultural affairs take place in the private sector. So if you do it, and you are probably going to, know that you are wasting money and you are making a bureaucracy into an amorphous bureaucracy.

SENATOR KRASKER: Very very briefly, I was asked to sponsor this bill on behalf of the Department of Libraries, Arts and Historical Resources. The reason they felt a name change was necessary is that there are now units within the department that aren't identified

by the name. For example, the Christa McAuliffe Planetarium, the French-American Canadian, there are number of other units and because we see in the State of New Hampshire, where we are having a really expanding cultural environment, the department was very anxious to have a name that allowed itself to be an umbrella for many different cultural units. It is a good bill, and doesn't have a taint of communism.

SENATOR HEATH: Senator Krasker, do you understand the "administratively attached" phrase that we have in our RSAs? Do you understand the difference, as the Planetarium is administratively attached from being part of the agency?

SENATOR KRASKER: I understand that it is administratively attached. I also understand that this bill was requested in order to have a title that was simpler and more easily remembered. There will be, I am sure, in the future other cultural organizations that will come under the eaves of this department. This is one that the department itself felt was necessary in order to indicate that there is more involved to it than libraries, arts and historical resources.

SENATOR HEATH: But isn't it true, while it doesn't surprise me at all that they made that request, that the more vague the name is, then the more legitimate it is for them to come in and argue for more territorial imperative here in the legislative body, because they can say our umbrella name certainly takes in that and aren't we also aiding and abetting that as well as wasting the money in the change over in creating in the public mind an impression of growing bureaucratic malaise down here?

SENATOR KRASKER: I get your interpretation, Senator Heath, but I don't think that that is the probability.

SENATOR STEPHEN: Senator Heath, aren't you trying to make it easier for people here by just changing that name to cultural affairs?

SENATOR HEATH: Senator Stephen, considering where you are going if you are successful, you are probably on the right track of being one of the good fellows down there.

SENATOR NELSON: Senator Bass, in what year did we organize this department?

SENATOR BASS: I believe it was 1983. I was a member of the House ED & A committee at that time.

SENATOR NELSON: And in 1983, what was the name established for that? Do you remember what the original name was for that department?

SENATOR BASS: Yes, the Department of Cultural Affairs.

SENATOR KING: Senator Dupont, I along with Senator Bass was on the Executive Departments and Administration committee over in the House when we reorganized this agency. Would you agree with me that had we called it the Department of Cultural Affairs instead of Libraries, Arts and Historical Resources, we probably never would have been able to reorganize the agency in the first place?

SENATOR DUPONT: Senator, that is probably true. But I don't remember if that was before or after you were removed from that committee.

Senator Heath requested a division vote.

16 Yeas

5 Nays

Adopted. Ordered to Third Reading.

SB 339-FN, relative to the licensure of mobile barbershops.

Ought to Pass with Amendment. Senator Freese for the committee.

SENATOR FREESE: SB 339-FN, relative to licensure of mobile barbershops regulates and establishes their use in New Hampshire by amending RSA 313-A:1. At the present time, there is no statute in New Hampshire that provides for mobile barbershops. The legislation before you is taken from a law existing in the State of Maine, where the practice works out very well. The amendment to bill appears on page 7 of the calendar dated January 18. It changes the present law very little except for the references to a mobile barber-shop and fee structure which you will find in section 4 of the amendment. The fee established by the board of a mobile barbershop shall not exceed \$100. The Senate Executive Departments committee voted unanimously for passage and we recommend the Senate body do likewise.

Amendment to SB 339-FN

Amend the bill by replacing all after section 2 with the following:

3 Mobile Barbershop Licensure. Amend RSA 313-A:17, I and II to read as follows:

I. It shall be a misdemeanor for any person, as owner, manager, or agent, to open, establish, conduct, or maintain a salon, [or] barbershop, **or mobile barbershop** without first having obtained a shop license from the board. Application for such shop license shall be made to the board in writing and shall state the name and address of

the owner of such shop, the shop's address **or, in the case of a mobile barbershop, the business mailing address of the owner**, and such other information as may be required by the board. Licenses under this section shall be conspicuously posted within the licensed establishment.

II. Any licensed barber, cosmetologist, manicurist, or esthetician who has completed one year of actual employment in a salon or barbershop shall, upon written application accompanied by the required fees, receive a license to operate a salon, [or] barbershop, **or mobile barbershop** in this state, provided that the salon, [or] barbershop, **or mobile barbershop** meets all requirements established in the rules of the board. Booths attached to or within a salon or barbershop that are operated independently of the salon or barbershop shall be subject to licensure in the same manner as an independent establishment.

4 Mobile Barbershop Fees. Amend RSA 313-A:6, VI to read as follows:

VI. Establish fees for examination of applicants, for licenses and for renewal of licenses to practice under this chapter and for transcribing and transferring records and other services. **The fee established by the board for a mobile barbershop shall not exceed \$100.**

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations.

Ought to Pass. Senator Stephen for the committee.

SENATOR STEPHEN: At the present time, the only disciplinary action that this board can take is against criminal proceedings throughout the courts. This bill will not only give the board more flexibility, not all offenses are so horrendous that criminal action is necessary, but would allow the board what most other boards and commissions have — that of being allowed to discipline their members in a variety of ways. The bill would also allow them to use the position of requiring continuation of education in certain instances. It has the unanimous support of the committee.

Adopted. Ordered to Third Reading.

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority.

Ought to Pass. Senator Torr for the committee.

SENATOR TORR: SB 345 will provide the university system for New Hampshire the ability to bond through the New Hampshire Higher Education and Health Facilities Authority. These bonds will be revenue bonds. They will not be supported by the full faith and credit of the State. The State Capital Budget Program does not always afford the opportunity to perform capital improvements when necessary. This bill also provides for a technical change. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share.

Ought to Pass with Amendment. Senator Freese for the committee.

SENATOR FREESE: SB 406-FN, as amended, will allow job sharing teachers, an example of that would be two teachers sharing a \$30,000 a year job each working one half time and receiving \$15,000 for a full year, to receive retirement benefits in proportion to the time that they work. During a recent audit by the New Hampshire retirement system of the Dover school system where teachers were working on an arrangement as described, it was discovered that even though both the teachers and the municipality were contributing to the system for teachers retirement, the contributions were not legal because there was no law in place for such an arrangement. This bill, SB 406-FN, sponsored by Senator Torr and the amendment in your calendar on page 20, will make such an arrangement legal. At the same time, it will allow the teachers retroactively to receive credit towards their retirement for the time they have already put in as a job sharing teacher. I would like to add, these teachers when they agreed to job share were told retirement credit would be available based on the amount of time they worked. And, as I stated earlier, the funds were being contributed and accepted by the New Hampshire retirement system. Then all of a sudden, the audit discovered there was no statute to cover. As Senator Torr said when he testified before the Senate committee, it is a fairness bill. The commitment was made to the teachers in good faith with good intentions and they should be grandfathered for the time the law didn't cover them by the passage of this legislation. If we don't pass this legislation today, these teachers will be receiving from the retirement system a full refund for all the contributions and will receive no credit for the time they have put in as job sharing teachers. The insurance committee unanimously supports the bill as amended and urges the Senate to take favorable action today.

Amendment to SB 406-FN

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Creditable Service for Job Sharing. Amend RSA 100-A:4 by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding any provision of paragraph III to the contrary, any teacher teaching during or after the 1990-91 school year who shares a job sharing teaching position with another teacher shall be given 1/2 of the creditable service for the time worked at the full rate of pay for the teaching position. Each currently active teacher, and each currently retired teacher retired as of June 30, 1991, who shared a job sharing teaching position with another teacher, subject to the provisions of this paragraph who has been inappropriately enrolled for retirement purposes by his employer shall not have his creditable service rendered through June 30, 1991, recalculated by his employer to conform with the provisions of this paragraph, but shall receive full credit for that period of service.

AMENDED ANALYSIS

This bill permits teachers who job share to receive creditable service for retirement purposes which equals 1/2 of the creditable service for the time worked at the full rate of pay received for the teaching position. The bill applies to teachers teaching during or after the 1990-91 school year and to teachers retired as of June 30, 1990.

The bill also states that each currently active teacher who job shares, and each currently retired teacher retired as of June 30, 1991, who shared a job sharing teaching position with another teacher, who has been inappropriately enrolled for retirement purposes by his employer shall not have his creditable service rendered through June 30, 1991, recalculated by his employer, but shall receive full credit for that period of service.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Dupont in the Chair.

SB 312-FN-A, relative to the affordable housing fund and making an appropriation therefor.

Ought to Pass with Amendment. Senator Bartlett for the committee.

SENATOR BARTLETT: SB 312-FN has been amended to \$1.00. Those of you who have followed the news know that Senator Preston, Senator Dupont, Senator King and I have been talking with New Hampshire Housing Finance Authority, several banks, the BIA, the home builders to find a way to help affordable housing. What we ask is that we pass this with \$1.00 in it, send it down to Senate Finance and keep it alive as a vehicle that we may wish to use in the next few weeks.

SENATOR ST. JEAN: Senator Bartlett, I want to commend you on working on this piece of legislation which we heard in Internal Affairs. From what you said, there has to be a set of priorities in this State. I have not heard yet from the corner office or anywhere in this State, that in that set of priorities we take another look at the land trust. Perhaps when we look at this piece of legislation down in Senate Finance, we may want to look at the land trust and perhaps this time, consider de-funding the land trust if we are going to look through every line item in the budget. That may be one area that we could probably save, although this was bonded, I suspect there may be some savings in large amounts if the individual in the corner office is serious about large amounts of money to be saved. Would you believe that?

SENATOR BARTLETT: Senator St. Jean, I would believe anything today. I am fully aware that you are a member of Senate Finance, and you will have ample opportunity in Finance to convince the Senate Finance members to go along with you in an amendment coming out of that body.

Amendment to SB 312-FN-A

Amend the bill by replacing sections 1 and 2 with the following:

1 Appropriation. There is hereby appropriated to the affordable housing fund, under the housing finance authority, for the biennium ending June 30, 1991, the sum of \$1 for the purpose of capitalizing the fund. This appropriation shall be nonlapsing.

2 Bonds Authorized. To provide funds for the appropriations made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding \$1, and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state. The bonds shall be 10-year bonds.

Amendment adopted. Referred to Finance (Rule #24)

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor.

Ought to Pass with Amendment. Senator Bartlett for the committee.

SENATOR BARTLETT: SB 313-A is a request that the State of New Hampshire purchase the Nashua district court. There is an amendment on page 7 which calls for the appropriation to be reduced to \$1.3 million and that there will be no major renovations until 1995. The original appropriation of \$2.7 million we discussed and we do not have an agreement with the City of Nashua as yet but the \$1.3 million construction cost would be paid out of federal funds. It did not seem reasonable that the State of New Hampshire should pay twice for the courthouse. We have discussed it with them and they have taken it under consideration. Presently, the cost of leasing is about \$216,000 per year. If we are able to purchase this in the 1.3 to 1.5 area, then the cost of bonding would be much less than the \$216,000. Therefore, there would be an automatic saving in 1991 of court costs, and therefore we help reduce the budget.

SENATOR NELSON: I just want to commend the good Senator Bartlett for passing a bill that is going to save the State money in tough economic times.

Amendment to SB 313-A

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Administrative Services. The sum of \$1,300,000 shall be appropriated to the department of administrative services for the biennium ending June 30, 1991, for the purchase of the property known as the Nashua courthouse. The commissioner of administrative services shall be authorized to purchase the property, on behalf of the state of New Hampshire, for use as a district court, subject to acceptance by the governor and the executive council.

2 Bonding Authorization. To provide funds for the purposes of section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$1,300,000, and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payments. The payment of principal and interest on bonds and notes issued for the project in section 1 shall be made when due from the general fund.

4 Renovations. Once the property described in section 1 of this act is purchased no major renovations shall be made to it before July 1, 1995.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill appropriates funds for the purchase of the Nashua courthouse.

The bill also prohibits major renovations to the property before July 1, 1995.

Amendment adopted. Referred to Finance (Rule #24)

SB 384-FN-A, relative to medical examiners and making an appropriation therefor:

Ought to Pass with Amendment. Senator Bartlett for the committee.

SENATOR BARTLETT: For those of you who have followed my ongoing battles with the medical examiner, you know that I don't give away anything easy. But we are indeed fortunate to have Dr. Fossum working here in the State of New Hampshire. I have finally seen the light. He is doing an excellent job and he is doing it alone. We have had several meetings with the doctor, and the Concord Hospital, once again, has agreed to expand his facility with rent from the State of New Hampshire which is going to make it much less than use a free standing facility. And we feel with the number of hours and autopsies performed by Dr. Fossum, it certainly would be in the best interest of the State that he have an assistant. He is working 52 weeks a year. He also has an investigator whom he wished to upgrade which will make his work much easier. We have discussed the expenditures in 1991 with the Concord Hospital and they have agreed that probably \$50,000. That would make a total outlay of \$155,000 cut down from \$250,000 and we have increased the charges for autopsies from \$300 to \$500. So we are saving about \$180,000 that it would have cost the State of New Hampshire. I think that it makes sense. There are more crimes than ever and more autopsies and we can't expect the doctor to do it alone for many more years.

Amendment to SB 384-FN-A

Amend the bill by replacing all after section 3 with the following:

4 Increased Fee. Amend RSA 611-A:9 to read as follows:

611-A:9 Liability for Expenses of Autopsies. The county wherein the death occurred shall pay to the state treasurer a fee in the

amount of [\$300] \$500 for each autopsy performed by the chief medical examiner or the acting chief medical examiner.

5 Appropriation; Department of Justice; Office of Chief Medical Examiner. The following sums are hereby appropriated to the office of the chief medical examiner, department of justice for the fiscal year ending June 30, 1991, for the purposes specified:

I. Facility lease, Concord Hospital	\$ 50,000
II. Associate chief medical examiner; salary, equipment and benefits	\$ 90,000
III. Investigator upgrade	\$ 15,000
Total	\$155,000

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1990.

Amendment adopted. Referred to Finance (Rule #24)

Recess.

Out of Recess.

Senator Bartlett in the Chair.

SB 306, extending the reporting date for the committee to study corporal punishment and the licensing and regulations of private kindergartens and nursery schools in the state.

Ought to Pass. Senator Podles for the committee.

SENATOR PODLES: SB 306 extends the existence of the committee to study corporal punishment from December 1989 to July of 1990. The committee is very near completing its work and will soon be prepared to offer their full report. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

SB 320-FN, relative to court-ordered commitments.

Ought to Pass. Senator Podles for the committee.

SENATOR PODLES: SB 320 empowers the courts, after determining that an accused is not competent to stand trial, to order the accused to remain in custody for a reasonable period in order to be evaluated for involuntary admission into the State mental health services system, and to commence civil proceedings, if appropriate. It also enables the courts to order the adjudicated incompetent to submit to a psychiatric examination. The committee recommends ought to pass.

SENATOR DISNARD: Senator, for a reasonable period, what in the law or law enforcement — is there an understanding — what reasonable period means?

SENATOR PODLES: What I asked them to do is to have a specific amount of days but they tell me that reasonable would be better because sometimes it would take longer or shorter. So we have let this remain into the statute.

SENATOR DUPONT: I wasn't going to speak to this bill. We have had, as many people know, a little bit of problem in the past dealing with this issue and what is considered reasonable time. This bill was basically driven by a situation that happened over in my area and it doesn't deal with a great number of individuals. It deals with an individual who went into court as a result of committing a crime, was found incompetent to stand trial, and because the court didn't have the ability to do anything with that individual other than have him evaluated, it took a second action of the court to hold a hearing to determine whether this person should be put into an involuntary admission in one of the State's facilities. What has subsequently happened over in my area, we had an individual who committed two relatively serious crimes. It wasn't until the third crime, which was of a very serious nature, was committed that we were able to deal with the individual. All we are saying here is that the courts, and again I know what everybody's concern is about reasonable time, but we can't say whether it is going to be three days to get him evaluated or stabilized and put back on the street or five days. It is all a question of how long it takes the system to deal with them. Nobody who is going to be in this situation is going to be there because they don't need to be there. It is a question of a crime being committed, the court has determined that this individual is basically going to present a danger to the people that you and I represent and while I understand the concern, I think basically this bill went through the committee without any opposition including the American Civil Liberties Union. They did not even bother to come, because they were comfortable with what the intent of this bill is. So that should at least put you at rest.

SENATOR NELSON: Senator Dupont, in your discussions with people about this particular piece of legislation, did anyone give you an estimated amount of time that someone would remain?

SENATOR DUPONT: Senator, I will applaud Senator Podles because the first thing she said is what is a reasonable time. I think the answer to that question was the individuals problem may dictate that we may need five evaluations by four different people. It also

depends on what skills are needed. But every assurance was given that this person would get through the system as reasonably as they can. But again you have to remember that you are dealing with a small number of individuals who have serious behavioral problems that have basically been demonstrated by acts against society. So I guess what we are talking about is balancing the question of how long it takes to evaluate this person before they are allowed out on the street. I just want to make sure that before they go out on the street that they have been stabilized or dealt with in a fashion that is not going to endanger the other people in society.

SENATOR NELSON: The thing that concerns me is even if the Civil Liberties Union didn't come in for or against it is of no consequence. Would you believe that given the cut back in the mental health division and all the services, the back logs in the court, is it within the realm of possibility that an individual's rights could be hindered because they could be stuck in custody based on resources? We are talking about a person's rights here.

SENATOR DUPONT: What we are talking about is that at the time the person is found not competent to stand trial, the court at that point in time can order that person to custody. We are not changing the ability of the court to do that. What we are saying is that rather than letting the individual out on the street so that they can again go out and commit another crime, we are going to hold them to determine whether or not they ought to go back out on the street. That is all we are talking about. The court, today can order a hearing to determine whether a person ought to be put into an involuntary. We have found that if they are not capable of recognizing that they have committed a crime that we automatically put them back on the street without getting a good evaluation. But now they can order them to get an evaluation, but there is no way to hold them. There is no set time that they commit them.

SENATOR NELSON: Why did you amend the bill on page 2, line 3, Roman numeral 4? Could you just tell me that? You added a whole new thing that says the person is in the custody of the court. Is that because they could not be evaluated in the criminal justice system without this?

SENATOR DUPONT: Exactly. It is the same situation where we are trying to establish a standard as you do when you set bail and say that the person should not be allowed back out on the street because they present a danger to society. The judges are not competent to make that determination, it belongs in the mental health system.

SENATOR JOHNSON: Senator Dupont, I certainly have no problem with the intent of the bill, but the question that I have is, wouldn't it be appropriate to have some sort of a safeguard in this bill that would at least call for some sort of a judicial review at the end of a time certain for example 60 days to preclude the possibility that someone might get lost in the system and because of the unavailability of resources to conduct the evaluations that they may indeed be incarcerated or held for an undue period of time?

SENATOR DUPONT: There are fairly strict standards that are already in State law of how you deal with involuntary commitments and I assure you that they are in place and that the RSA that we are amending deals with the involuntary commitments. They specifically address the concerns that we are addressing here.

Adopted. Ordered to Third Reading.

SB 319, relative to uniform principal and income act.

Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: This bill received the unanimous support of the committee and of those testifying. It is one of those uniform bills and it is particularly necessary in terms of the principle and income act.

Senator McLane offered a floor amendment.

SENATOR MCLANE: The amendments are those that I thought could be done in enrolled bills. They are changes in wording only. And they were put in and approved by the counsel for the Senate and by Legislative Services. They do not make any substantial changes. They make changes in numbering and in one place they didn't put in undistributed income. This is a bill that those people who do deal in income estates and trusts will find helpful in their practice.

Floor Amendment to SB 319

Amend RSA 464-B:4, IV(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Undistributed income on the date of termination.

Amend RSA 464-B:5, II(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) To specific legatees and devisees, the income from the property bequeathed or devised to them respectively, less taxes, ordinary repairs, and other expenses of management and operation of the property, and an appropriate portion of interest accrued since

the death of the testator and of taxes imposed on income, excluding taxes on capital gains, which accrue during the period of administration.

(b) To all other legatees and devisees, except legatees of pecuniary bequests not in trust, the balance of the income, less the balance of taxes, ordinary repairs, and other expenses of management and operation of all property from which the estate is entitled to income, interest accrued since the death of the testator, and taxes imposed on income, excluding taxes on capital gains, which accrue during the period of administration, in proportion to their respective interests in the undistributed assets of the estate computed at times of distribution on the basis of inventory value.

Amend RSA 464-B:6, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Except as provided in paragraphs I, II, and III, all corporate distributions are income, including cash dividends, distributions of or rights to subscribe to shares or securities or obligations of corporations other than the distributing corporation, and the proceeds of the rights or property distributions. Except as provided in paragraphs II and III, if the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income.

Amend RSA 464-B:12, II as inserted by section 1 of the bill by replacing it with the following:

II. The sum allocated as delayed income is the difference between the net proceeds and the amount which, had it been invested at simple interest at 4 percent per year while the property was underproductive, would have produced the net proceeds. This sum, plus any carrying charges and expenses previously charged against income while the property was underproductive, less any income received by the income beneficiary from the property and less the value of any beneficial use of the property by the income beneficiary, is income, and the balance is principal.

Amend RSA 464-B:13, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Charges not provided for in subparagraph I(a), including the cost of investing and reinvesting principal, the payments on principal of an indebtedness, including a mortgage amortized by periodic payments of principal, expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property or assure the title of any trust property.

Amendment adopted. Ordered to Third Reading.

SB 337, relative to interpreting Zoning Ordinances.

Interim Study. Senator Heath for the committee.

SENATOR HEATH: This bill has a long complex explanation and one of the reasons it is going to Interim Study is because it is a complex issue. I am more than willing to go into it but in the interest of time and since the recommendation is to go to study, I will spare you the explanation unless you want me to go into it and ask the questions.

Adopted.

SB 348-FN, relative to local school boards.

Ought to Pass with Amendment. Senator Heath for the committee.

SENATOR HEATH: This bill creates a mechanism for the removal of school board members. Now, as the bill came to us, it had a fairly low threshold but we have greatly increased that threshold and put some safeguards against it being used as a means to harass school board members. There is a floor amendment that is being passed out and since that replaces most, if not all, of the substantive parts of the bill, I will explain the amendments. The only way that this would kick in, it would have to be a pretty abusive situation, is if a third of the number of voters voting in the last regular election signed or qualified as petitioners. Then the school board would call a special meeting and at the special meeting, two thirds of the people at the meeting have to vote for the removal. It is an extremely high threshold, but it is a means to remove a person who has, in the eyes of a great part of the community, abused his office. I don't doubt that this might be used against all of us, but understand that first you have to get a third of the community to vote or sign the petition and then you have to get two-thirds vote at the meeting. I would urge your support for it. This is a bill that was generated out of a problem that occurred in Senator Freese's district, but we have had that situation in our district. I can remember the classic case when the Inner Lake school board reacted so much to a 5 percent cut in a time of heavy increase in costs that they started punishing essentially the people in the district by taking that 5 percent and more out of the most painful things of the things the community wanted. It took them three years but they cleared out every member of that board of education, and that school has greatly succeeded in confidence and everything else since that time. The provision to keep it from being a tool of harassment is this. If a person is elected and there is a recall petition and that fails, and he is re-elected he has essentially had three votes on his presence there and he can't be touched for a pe-

riod of six years. So it won't turn into a way to harass either the board of education or an individual member.

SENATOR BASS: I rise in opposition to the amendment and the bill. I certainly have great sympathy for the problem that the town in Senator Freese's district is having in respect to the treatment that it has received by its school board. These problems are not uncommon. However, I think that in short, what this bill is doing is projecting a local problem into every single school district in the State of New Hampshire. I really don't think that this issue has been studied at any great length and I think we should look at this bill for what it is. It is a recall bill. A recall bill for school district members is setting the same precedent as a recall bill for selectmen, for county commissioners, for representatives, state senators and I don't think that anybody doing their duty, especially on a volunteer basis in this State, is going to be particularly eager to be faced with a possibility of a recall effort being made against them at any two times in this case during a three year term. I think the precedent that is being set here is serious enough to warrant, if not straight killing of this bill, certainly a lot of further study. I would urge the Senate to vote this measure down. This is no time to be getting into the issue of recalls. The real issue before this particular school district was one where they felt that a bond issue was being shoved down their throats. And the reason for that was that the school board kept bringing the same bond issue up over and over again hoping to wear everybody down. If that is indeed the problem, I think it should be attacked on an administrative basis or we should consider the concept of limiting the number of times that a bond issue can be brought up successively in a given period of time. But certainly don't change the entire system and setting the precedent that we may just to solve a local problem. I urge the Senate to oppose the amendment and the bill.

SENATOR MCLANE: If we believe in democracy, we believe in elections. If we want a recall bill, why don't we put it in for everyone including the Senate. It seems to me obvious that most of the people in this Senate were elected by not the vote of everyone. But if a third of the people that voted want to come and recall them, you are insisting at this point that you have the expense of a special meeting. We have an election system. This bill and the bill that follows are both bills put in by a small town having a small town fight. And they would apply to everyone all over the State. The problem, if I might submit, lies in the fact that schools are having a hard time these days. Putting in a bill to recall school board members who want only the best education for children in their community is no way of getting at the real problem.

SENATOR STEPHEN: Senator Heath, what I was saying was why should we only focus on the removal of school board members. Why don't we adopt an amendment and make it for all elected officials?

SENATOR HEATH: Senator Stephen, I would support that in any form to include the recall method of the same level of test for us as well. But there is a difference and I think a significant difference. We have essentially a recall every two years. The length of their office is three years. And that makes a difference of 33 percent.

SENATOR FREESE: This proposed legislation before you was requested by a former member of the board of selectman in Middleton. It is a town of about a thousand people. One of the towns in Senate District 4. They have had rough going over there with their finances. When I became their Senator, they were almost in bankruptcy, and through the effort of working with the State, they worked out of that. There is a faction over there that wants better schools, and I think that is a fine goal and a commendable attitude. Right now, they are sending their school children to Farmington, because they don't have a school of their own, not even a grade school. Some of the community wanted to join a cooperative, and the majority of the town several times voted that down, even after petitions went around asking them not to keep bringing this up for meetings. They were ignored. So the majority of the voters took the issue to court and the courts turned it down and suggested that they resolve their problems through other means such as the legislature. So they did that and they asked me to introduce this bill. That is the history of the bill. There are communities in the State that do have this problem. The present statutes do favor the proponents in these matters, and all we are asking here is some equity for these situations. I hope that you would support the legislation before you.

SENATOR CURRIER: I rise in opposition to the amendment and to the actual bill. I can't imagine for one minute any local board of selectman or school board asking this body or the House for that matter, to impose a mandate on them in violation of the state constitution. That is why I rise in opposition to this bill.

Committee amendment failed.

Question: Shall the bill be ordered to Third Reading?

Motion failed.

SB 349-FN, relative to special meetings of school districts.

Ought to Pass. Senator Heath for the committee.

SENATOR HEATH: Now is the hour that you can seriously do something for property tax control. And I can assure you that if you have any serious intent in helping to control property taxes there is no reason not to support this legislation. Even the Board of Education testified that one section of this is something that they want to work on, because it is a serious problem for them. That is the first section that is changed that you see in the amendment that has been handed out, "A motion to reconsider a vote on a bond or note issue", under paragraph 2 "shall pass only upon a two thirds vote of all those voters present and voting."

Senator Heath offered a floor amendment.

SENATOR HEATH: What happened in Tamworth is this. Because of the way the law is 51 percent or anything over 50 percent, a simple majority, can vote to continue a bond issue meeting. The law also says that it can be no sooner than nine days that they reconvene this meeting. It takes two-thirds to pass a bond issue. If the community breaks out some place between those figures, this thing goes on forever. It is an expense to advertise the meetings, to hold the meetings, to keep the hall and so on. And it did go on darn near forever in Tamworth. Fifty-one percent keep continuing the meeting and two-thirds each time failed to do the bonding. So you have an enormous expense. It is a dead-lock. It tears the community apart. Nothing happens. And of course, the proponents of the bond issue hope that they will break down the hard-core and get it and the opponents keep hoping that it will go the other way and they will finally break down to less than a majority and stop the process from just going on and on. So this first change in the law, simply places the same level of two-thirds to continue the meeting. Now you might say, "Gee, that is not fair," but look at it this way. If you have a big bond issue and there is a fraction of people there who say they would like something but not this much and you have 55 percent who want the whole ball of wax and you have a bunch who don't want anything, any of those factions can then combine on an agreement that a reduced proposal will come in. So it gives them an opportunity, if there is a commitment made from the board, that they will come in if the meeting is reconvened. Then they will have the votes to reconvene the meeting. It doesn't rule it out. But it rules out this kind of vicious cycle that becomes an uncontrolled expense in the community and tends to tear the community apart, where a majority says lets come back and two thirds fail to do the bonding over and over. That is what the first part does. That will reduce your property taxes by reducing frivolous meetings that aren't going to achieve its goal.

The next change is in the section of law that says that if a petition of 50 or more people in a district that they will call a special school

meeting. But you can't have it if you have a petition of 50 or more call it and yet a petition of 300 said they didn't want, the petition of 50 is the only one that they can accept. It is a one-way ratchet into having a school meeting. This way you can save the expense of having the whole thing by allowing competing petitions when the first petition comes in. The school board announces it and gives a two week period for the receipt of a competing petition and if the competing petition is in excess of the proposing petition, then the meeting isn't held. The issue is decided outside of having a meeting and a long fruitless meeting at that. Because if you can gather more signatures on the competing petition, why have the meeting. It is as clear as that. It saves those needless meetings. That is essentially what this piece of legislation does. It does not deprive anybody of anything that they don't possess except it builds in fairness on a competing petition so we don't have a one-way lock into meetings even if the community is opposed to it. And it doesn't allow this cycle that this majority can continue the meeting and two-thirds test for a bonding issue is caused.

SENATOR STEPHEN: Aren't we taking this rule from the local community? Why can't they make their own decision?

SENATOR HEATH: Absolutely to the contrary. This way they can make their own decision and they can arrive at it sooner. I don't know if you have ever read Mason's manual or Roberts rules, but the preface to those editions is that they are designed to help the majority as efficiently as possible get to the will of the group. That is what this does. We have these two blemishes in the law that sort of allows the tyranny of a minority at times. It doesn't occur often but when it does occur it is vicious. This allows the people to decide their own fate in the community. And it saves them useless, senseless meetings that can't possibly go anywhere. That is an enormous cost. Senator McLane just called attention to that cost in working against the last piece of legislation. This will cause needless meetings if you have a recall of a school board member. Well this will prevent needless meetings all over the place and it is done by the voice of the people directly. You would like it.

SENATOR CURRIER: Senator Heath, I get a little suspicious when I see these floor amendments and they are so involved and complicated. Was this discussed in the committee at all?

SENATOR HEATH: Yes, this was discussed at length in the committee.

SENATOR CURRIER: This particular proposal?

SENATOR HEATH: Yes.

SENATOR CURRIER: Why then was not any committee action taken on it as opposed to the floor?

SENATOR HEATH: We were up against the deadline because of fiscal notes and I am not going to lay any blame anyplace, but the fact is that when we came to exec it the chairman asked Senator Freese and I to sit down and work on amendments. We did that and we did it the first available date, which was Monday. Monday afternoon we had submitted those amendments and we were trying to get them into the calendar today. Because there was a fiscal note on there, I don't know if there is any reason for this to be referred to Finance because if it passes, it saves the towns money and it doesn't cost them anything. There is no way to interpret that it would. But in any case, we felt that we had to meet that deadline and this was the way we did it.

SENATOR DISNARD: The second part of the amendment as Senator Heath explained it causes me deep concern. I am very serious when I say that. I can tell you that whoever has the greatest number on a petition and I understand that. But what I understand in the original bill and what I can read here is this, that if I have a petition and another group can get more signatures on another petition, in opposition to what I want, that prevails. I can tell you that in a small community that will raise havoc with people running around with two petitions at the same time, one in favor of something and one against it. It is going to cause a lot of headaches.

SENATOR HEATH: Senator Disnard, if I understand you correctly, and correct me if I don't, you were asking about competing petitions. The situation as it exists now in law is that you may petition for a special meeting, you can not petition against it. It is a one-way thing and that runs into cost, because very often you can get a petition of a few people in the community to have a special meeting that will fail to accomplish its goal. Why not allow then the community to have competing petitions and get a reading of the community before you go to the great expense and effort to call the special meeting?

SENATOR DISNARD: It doesn't satisfy me. As I read the analysis of the original bill and I look at your amendment, I don't see any change from one group in the school district presents a petition opposing the new special meeting which has a greater number of signatures than the original application. To me that means two groups in the community will be running around and causing concern and havoc in a small community.

SENATOR HEATH: Would you believe that school bond issues cause havoc in the community? And that the petition process is something that is long and honorable in our history? It is so honorable in fact that it has been allowed to call a special meeting and that the competing petition has no greater authority and has no greater advantage over the petition process to call the meeting. If you can argue that that process is wrong, the petition to have a meeting is wrong as well. A petition is a petition. They both pertain to having or not having a meeting. If one group is harassing the community, certainly the other group is harassing them. I would suggest to you that it is democracy in action at the grass roots level, and allowing the community to choose whether to go to the expense of having a meeting.

SENATOR NELSON: Senator Heath, would you just on the first part Roman numeral 4, of the amendment, I was interested in the small towns that you referred to this afternoon. How many people usually go to these meeting?

SENATOR HEATH: I don't know. I have seen crowds of a thousand and some of twenty or thirty.

SENATOR NELSON: Senator Heath, have you attended, in any of your days as a Senator, a school board meeting on a bond issue?

SENATOR HEATH: I certainly have.

SENATOR NELSON: Sir, when you were sitting in that room and you gazed around you, would you give me a rough estimation? Was there anywhere from 25 to 1000 people, 200, 300 people in the room? Could you roughly estimate that?

SENATOR HEATH: I can the number that I attended. You wanted a number that typifies the district. We have little Effingham and Chatham and we have huge downtown central Moultonborough. I would say that at the last Inter-Lakes bond issue meeting, there were about 1500 people in that room. I didn't count them, but it filled the gymnasium, it filled the bleachers and there was standing room only, as they say in the theater business.

SENATOR NELSON: I am just wondering if putting in two thirds vote of all those voters present and voting is fair? If on an instance you cited a meeting of 1500 and said that at some meetings there aren't many there, if there were only 25 to 100 people there and you are talking about two thirds of those members voting would that fairly represent the people in town or the area?

SENATOR HEATH: If fairly represents them in that their ability to be represented hinges on their interest in attending. Just like we are elected by a minority, not by law but, simply because the majority chooses not to either register or go to the polls on election day. It is the same test that the bond issue is, in that it is basically where you get into a problem because you have a simple majority to continue the meeting but it takes two third to get the bond. The cycle never ends and the expense goes up and the taxes go up.

Floor Amendment to SB 349-FN

Amend the title of the bill by replacing it with the following:

An Act

relative to special meetings of school districts and
relative to voting for reconsideration of
certain bond issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Vote for Reconsideration; Bond Issues in Excess of \$100,000. Amend RSA 33:8-a, IV to read as follows:

IV. A motion to reconsider the vote on a bond or note issue under paragraphs I and II shall pass only upon a 2/3 vote of all those voters present and voting. Upon favorable approval on the motion to reconsider [the vote on a bond or note issue under paragraphs I and II], actual reconsideration of the bond issue shall not take place until the expiration of at least 7 days from the date on which the original vote on the motion was taken. Notice of time and place where such reconsideration shall take place shall be published in a newspaper of general circulation in the municipality at least 2 days before the reconsideration vote. Wherever required, the provisions of RSA 33:8-a shall apply.

2 Special Meetings of School Districts; Opposing Petition. Amend RSA 197:2 to read as follows:

197:2 Special Meetings.

I. A special meeting of a school district shall be [holden] **held** whenever, in the opinion of the school board, there is occasion therefor; or whenever [50] **1/3 or more voters**[, or 1/4 of the voters] of the district[, whichever is less,] shall have made written application to the school board therefor; setting forth the subject matter upon which action is desired.

II. Whenever a petition is submitted in accordance with paragraph III to a school board opposing the holding of a special meeting called in response to an application made as provided in

paragraph I in which such application sets forth the same subject matter as that already voted upon at a previous special meeting, the school board shall grant the application or petition bearing the greater number of voter signatures.

III. Upon receipt of a written application made in accordance with paragraph I, the school board shall make public notice of such application in a newspaper of general circulation in the relevant school district. Opposing petitions shall be accepted by the school board within 3 weeks from the date of publication of such public notice; otherwise, such application shall remain unchallenged.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill permits the defeat of a proper application to call a special school district meeting when: (1) the subject matter of such special meeting has been voted upon at a previous special meeting, and (2) voters in the school district present a petition opposing the new special meeting which has a greater number of signatures than has the original application calling for the special meeting.

The bill also requires a 2/3 vote for the passage of a motion to reconsider a vote on a bond or note issue in excess of \$100,000.

Amendment adopted.

Senator McLane moved to lay **SB 349**, relative to special meetings of school districts on the table.

Senator Nelson seconded.

Adopted.

SB 359, relative to modifying Planning Board procedures on plats.

Ought to Pass with Amendment. Senator Heath for the committee.

SENATOR HEATH: This is legislation that you passed last year and it failed someplace beyond our reach. I will give you only that explanation unless you want more. It is a modification of planning board procedures that simply says that when you make application and you fulfilled all the requirements, that application shall be acted on within 30 days or it is automatically approved. It is repetition of legislation that we argued last year and we passed and it was killed in the House. I would urge your support again.

Amendment to SB 359

Amend the bill by replacing all after the enacting clause with the following:

1 Planning Board Procedure on Plats. RSA 676:4, I(c) is repealed and reenacted to read as follows:

(c)(1) The board shall begin formal consideration of the application within 30 days after submission of the completed application. The board shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 90 days after submission, subject to extension or waiver as provided in subparagraph (f). Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, issue immediately an order directing the board to act on the application within 15 days provided that the application complies with applicable subdivision and zoning regulations. Failure of the planning board to comply with such order of the selectmen or city council within the 15 days shall mean the application is approved.

(2) If under the provision of this subparagraph an applicant should appeal to the superior court, and the court determines that failure to act within the time specified was the fault of the planning board and was not justified, the court may issue an order approving the application and order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the process for planning board approval or disapproval of plats. If the planning board fails to approve or disapprove the application, the selectmen or city council are authorized, upon the request of the applicant, to issue immediately an order directing the board to act on the application within 15 days provided that the application complies with applicable subdivision and zoning regulations. Failure of the planning board to comply with such order of the selectmen or city council within the 15 days shall mean the application is approved.

The bill eliminates the requirement that the applicant must appeal to the superior court over the failure of the planning board to act.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Dupont in the Chair.

SB 362, relative to reporting requirements for political committees.

Ought to Pass with Amendment. Senator Bass for the committee.

SENATOR BASS: This bill is a follow up from the excellent legislation that we passed last year. It clears up a couple of minor problems that we discovered during the process of examining the bill prior to its implementation as law. These are the changes that we would like to implement as a result of our work over the summer. The basic problem that we have developed, subsequent to the campaign spending limitation act was the problem that exists with special interests making independent expenditures in elections that are neither authorized nor agreed to by a candidate or a candidate's committee. The problem is that if candidates agree to the spending limitations and a special interest group comes in and makes expenditures that are not authorized, the whole process can be tilted, which is exactly what we sought to avoid by the passage of the original bill. What this bill basically does is it prohibits political committees from making independent expenditures in excess of \$1000 in any election for each office. It allows the candidate affected to exceed the spending limitation if a political committee violates that provision. It also requires an additional reporting time for political committees early in the process, right around the filing period, so that we can find out which political committees are set up and what they intend to do. Lastly, the bill raises the spending limits for Governor and U.S. Senator from \$400,000 per election to \$500,000. It raises the limitation for the congressional races from \$200,000 to \$250,000, and the legislative from 25 cents to 35 cents per registered voter. The committee urges your support.

SENATOR ST. JEAN: Senator, the reason to raise the limits for the congressional campaign and the gubernatorial campaign, why was that? We just, as I understand it, put the legislation into effect last year. It hasn't really been tried out, why are we raising the limits already?

SENATOR BASS: That is an excellent question. The bill set up a campaign advisory committee. Unfortunately, the campaign advisory committee didn't go into effect until after the bill became law and went into effect January 1. But unfortunately, as a rationale for this increase, we were unable to use any official vote from this advisory committee. It was generally felt by me as a sponsor of the bill that as a result of the hearings that this committee had, that it would be prudent and more realistic to have these levels increased in order to be more reasonable.

SENATOR ST. JEAN: Reasonable is a relative term, Senator. We haven't even allowed the ink to get dry on what we have done, and now we are raising the limits already. It doesn't seem to make a lot of sense to the Senator from the west side of Manchester?

SENATOR BASS: The Senator from the beautiful Monadnock region feels that in fact, subsequent to the passage of this piece of legislation, it was determined historically there is ample precedent to believe that \$500,000 is a more realistic maximum level for a gubernatorial or US Senate race than we previously felt early on in the year, when we were originally proposing the bill.

SENATOR NELSON: Senator Bass, I just had a quick question. The analysis contains a sentence that says a candidate who is subject to negative political advertising, I don't see it in the bill but I was curious about that?

SENATOR BASS: I would refer you to the very last comment that I made in my speech. I mentioned that the amendment completely replaces all of the bill and therefore, in order to get the correct information, you might turn to page 12 of the calendar for the revised amended analysis.

SENATOR NELSON: What you are telling me then is that has been removed completely?

SENATOR BASS: That is correct.

SENATOR PODLES: Senator Bass, obviously there are going to be a lot of reporting requirements that are required by this bill, itemized statements of all kinds. Could you tell me what would happen if we didn't pass this bill?

SENATOR BASS: Yes, Senator Podles. First of all, with respect to your concern of the fact that this bill might increase reporting requirements, the answer is twofold. It will not create any new reporting requirements for candidates or candidate committees. It only creates one more reporting period for the political action committees, the independent committees in the State. I would also suggest that this bill and the original act does not create any more paperwork for a candidate. First of all it doesn't even deal with the question of funding raising. It is only an expenditure bill, so that whole side of a campaign is unaffected completely. On the expenditure side, if you agree to the voluntary limits, you can't exceed them. You still fill in the same number of reports, the same lines, the same form and everything else at the same period of time as you have in the past. You just have to make sure that during your campaign you

don't exceed, in your case Senator Podles, it would be \$15,000 for a primary. during that period of time and if you do there would be a penalty.

SENATOR PODLES: I asked you what would happen if we didn't pass this bill?

SENATOR BASS: If we didn't pass this bill, Senator Podles, there would be no protection for candidates to exceed the limitation if there was a substantial effort in their district by a political committee that is not authorized by either the candidate or the candidate's opponent to try and influence the election. What this particular bill does is sends a message to the special interest groups that if you want to be involved in a political campaign make the contribution to the candidate, because most of the negative advertising that we have had in this State over the past few years has arisen from independent committees that make unauthorized expenditures and basically do the dirty work. What this bill does is limit those independent expenditures, those uncontrolled independent expenditures to \$1000. But it does not do anything to limit the amount of money that a political committee can give directly to a candidate or a candidate committee, which in my opinion is where the money should be going anyway because that is where it will be properly accounted for.

SENATOR HEATH: Senator St. Jean, at the risk of agreeing with you, would you believe that if we vote against this, we may be viewed by some people as voting against campaign reform but, in fact if we vote against this, we are voting against some wall paper and window decorations that can be easily gotten around by creating multipacts and in doing so we are building a new turret on a castle built on a house of sand, and that this isn't really reform that is going to make any difference whatsoever?

SENATOR ST. JEAN: Anything you say, Senator.

Amendment to SB 362

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Independent Expenditures Defined. Amend RSA 664:2 by inserting after paragraph X the following new paragraph:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity expressly advocating the election or defeat of a clearly identified candidate which are made without cooperation or consultation with any candidate, or any au-

thorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

2 Reference to Independent Expenditures. Amend RSA 664:3, I is repealed and reenacted to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. Any political committee shall register with the secretary of state not later than the Wednesday 3 weeks immediately preceding any primary election. The registration shall be accompanied by a fee of \$50. Prior to the election for which the political committee is organized, the committee shall file with the secretary of state a statement of the purpose of the committee indicating whether the committee will be making independent expenditures in support of or in opposition to a candidate including the full name of the candidate, a statement of the name, address, occupation, and principal place of business of its chairman, treasurer, and other officers, and a statement signed by its chairman and treasurer that the political committee will not exceed the expenditure limitations allowed under RSA 664:5, V and VI. The committee shall register with the secretary of state before receiving any contribution or making any expenditure.

3 Reference to Independent Expenditures. Amend RSA 664:3, II to read as follows:

II. No member of a political committee, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, until the statements required by paragraph I are filed. **Only those political committees that indicate whether they will be making independent expenditures as provided in paragraph I shall be allowed to make such expenditures.**

4 New Paragraphs; Prohibited Political Expenditures. Amend RSA 664:5 by inserting after paragraph IV the following new paragraphs:

V. No political committee which is registered with the secretary of state shall make independent expenditures which exceed \$1,000 in the aggregate for all the candidates running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose the candidate or the candidates.

VI. No political committee or entity which is not registered with the secretary of state shall make independent expenditures which exceed \$1,000 in the aggregate for all the candidates running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose the candidate or the candidates.

5 Increasing Political Expenditures for Representatives and County Officers; Expenditure Limitation Waived; Exceptions. RSA 664:5-b is repealed and reenacted to read as follows:

664:5-b Political Expenditure Limitation Amounts.

I. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

(a) For governor and United States senator:

(1) \$500,000 in a state primary election.

(2) \$500,000 in a state general election.

(b) For representative to Congress:

(1) \$250,000 in a state primary election.

(2) \$250,000 in a state general election.

(c) For executive council:

(1) \$35,000 in a state primary election.

(2) \$35,000 in a state general election.

(d) For state senate:

(1) \$15,000 in a state primary election.

(2) \$15,000 in a state general election.

(e) For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(1) \$.35 per registered voter in the district or the county in a state primary election.

(2) \$.35 per registered voter in the district or the county in a state general election.

II. The political expenditure limitations under this section shall not apply, and a candidate shall not be required to limit his campaign expenditures and those made on his behalf under RSA 664:5-a, when a political committee has made independent expenditures in the aggregate in excess of the expenditures allowed under RSA 664:5, V and VI in support of or to oppose his candidacy. The secretary of state shall notify a candidate that the political expenditure limitations under this section shall not apply upon the presentation of evidence by a candidate to the secretary of state and following a review by the secretary of state that the provisions of RSA 664:5, V and VI have been violated.

6 Additional Reports. Amend RSA 644:6 to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and post office address of the contributor in alphabetical order and the amount of the contribution and the date it was received. Such report shall be filed not later than the Wednesday [3] **10** weeks immediately preceding an election, before 5 o'clock in the afternoon, and shall cover the period beginning on the day of the committee registration or report, whichever is later, and ending on the Monday before the report is due. All receipts of \$25 or under shall appear on the reports as unitemized receipts. Any listing exceeding \$100 shall be accompanied by the contributor's occupation and principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid and the date paid, with the specific nature and amount of each expenditure since the date of the registration or report, whichever is later.

II. A second itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday **3 weeks** immediately preceding an election, before 5 o'clock in the afternoon. Such report shall summarize the first period and itemize all receipts and expenditures since the cutoff of the first statement up until the Monday preceding the filing of the second report. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the second report is filed and prior to the day of election.

III. A third itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding an election, before 5 o'clock in the afternoon. Such report shall summarize the first and second periods and itemize all receipts and expenditures since the cutoff of the second statement up until the Monday preceding the filing of the third report. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the third report is filed and prior to the day of election.

[III.] IV. A [third] **fourth** itemized statement in the same form as in paragraph I summarizing the periods of the first [and], second **and third** statements and itemizing all receipts and expenditures

since the cutoff of the [second] **third** report shall be filed with the secretary of state not later than the second Friday after the election, before 5 o'clock in the afternoon.

[IV.] **V.** Any political committee whose receipts or expenditures do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed \$500 the committee shall file a statement at the next reporting deadline.

VI. Any political committee whose independent expenditures exceed \$500 for a reporting period shall file an itemized statement in the same form as in paragraph I with the secretary of state not later than 24 hours after such independent expenditures are made. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section.

[V.] **VII.** Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

[VI.] **VIII.** Copies of the statements required by paragraphs I through [V] **VII** of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

[VII.] **IX.** Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through [V] **VII**, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

[VIII.] **X.** The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

7 Information Required on Statement. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or election for governor, councilor, state senator, representative to gen-

eral court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-[VI] **VIII**, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

8 Signature of Treasurer of Political Committee. Amend RSA 664:14, I and II to read as follows:

I. All political advertising shall be signed at the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the [secretary] **treasurer** of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

II. Political advertising to promote the success or defeat of a measure by a partnership, corporation, labor union, or other organization shall be signed. The name of such organization shall be indicated and the chairman or [secretary] **treasurer** of such organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

9 New Paragraph; Advertising by Political Committee. Amend RSA 664:14 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of this section, any advertising by a political committee not authorized by any candidate or candidate committee shall so state.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires political committees to report to the secretary of state the money they spend to support or oppose candidates, and the money they spend on independent expenditures which exceed \$500 for a reporting period. "Independent expenditures" means expenditures by a person or political committee expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate.

Political committees must also report to the secretary of state that they intend to make independent expenditures, and file a statement agreeing not to exceed independent expenditure limitations. A candidate does not have to limit his political campaign expenditures when a political committee has made independent expenditures in the aggregate to support or oppose the candidate and other candidates running for the same office which exceed \$1,000.

The bill also provides that no political committee, whether or not it is registered with the secretary of state, shall make independent expenditures which exceed \$1,000 in the aggregate for all the candidates running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose the candidate or candidates.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Bartlett in the Chair.

SB 374-FN, establishing a study committee to examine probate court reporting requirements.

Ought to Pass with Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: There are two minor changes in the amendment that appear in your calendar. The first one simply adds an additional party to the committee that is being established by this legislation and it will be a trust officer from a bank. That person would be nominated by the New Hampshire Bankers Association. The other part of the amendment changes the effective date to upon passage rather than 60 days after passage. I just wanted to let you know that the impetus for this piece of legislation was the result of a well-publicized case that is before the courts in New Hampshire right now. It has the support of the New Hampshire Bankers Association. There was no opposition at the public hearing on this bill.

Amendment to SB 374-FN

Amend section 1 of the bill by inserting after paragraph IX the following new paragraph:

X. One bank trust officer, appointed by the New Hampshire Bankers Association.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to Third Reading.

SJR 1, naming the Kenneth M. Tarr Health Care Facilities.

Ought to Pass. Senator McLane for the committee.

SENATE MCLANE: SJR 1 asks that the new facilities at the Veterans Home be named for Kenneth M. Tarr. Kenneth M. Tarr fought with General Patton. He was twenty years the commandant of the First Soldiers Home and now the Veterans Home. He served seven

years on the Concord City Council, ten years with the House of Representatives. This bill was requested by the present Commandant and the board of the soldiers home. It comes with my enthusiastic endorsement.

Adopted. Ordered to Third Reading.

Senator Heath wished to be recorded as opposed to the motion.

SB 381-FN, relative to an increase in the AFDC standard of need and making an appropriation therefor.

Inexpedient to Legislate. Senator Podles for the committee.

SENATOR PODLES: SB 381 increases the AFDC allowance 3 percent over the 2 percent increase already passed in the last session for a total of 5 percent increase. Due to the State's fiscal situation, the committee recommends inexpedient to legislate.

SENATOR MCLANE: I rise in strong opposition to the committee report. I don't think that even given the present fiscal situation that a committee that is concerned with public institutions, health and welfare of children should be saying that this bill is inexpedient. This bill would cause a 3 percent increase in the AFDC payments. It was voted on overwhelmingly in favor in the last session by both the House and Senate. It was killed in a committee of conference. Today in New Hampshire, an AFDC mother with two kids gets \$506 a month. This would add \$17 to her meager pittance. There was testimony at the hearing from a safe place in Portsmouth that women go back into violent situations rather than decide to be independent and go to AFDC. The same argument could be made for women who make the choice between whether they should have an abortion or not. Because you can prove on paper, it is impossible to live with yourself and two children for \$506 a month. The poverty level is \$1030 a month. It seems to me that in this State, women and children are last. And I am opposed to the turning down of giving \$17 more to a mother with two children.

Adopted.

SB 382-FN-A, relative to the emergency assistance program for AFDC recipients and making an appropriation therefor.

Ought to Pass with Amendment. Senator Podles for the committee.

SENATOR PODLES: SB 382 extends the emergency assistance program for AFDC families and it makes an appropriation. The emergency assistance is basically for fuel payments when they get behind and when they get behind in their rent and also security deposits. It does not cover medical expenses and it is also matched

dollar for dollar by the federal government. The amendment adds a dollar to keep it alive and be able to send it to Finance for their consideration. We urge your support.

SENATOR DUPONT: Senator Podles, I guess as a member of Finance as you are, this bill even though it has a dollar in it, obviously it is looking for additional monies. And I was just wondering whether it is reasonable for us to be sending something down to Finance when we all recognize that there is not going to be additional finance.

SENATOR PODLES: I don't think we should assume that. I think we should bring it before the Finance committee and have them decide.

SENATOR DUPONT: I guess I have a little bit of a problem in that I just want the members of the Senate to recognize that based on what my experience has been so far and our dealings with the budget, I don't think anybody should be overly optimistic about our ability to fund what I perceive to be a new program down in Finance. I am going to say that even though I know we are probably going to send it down anyway.

Amendment to SB 382-FN-A

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sums of \$1 from federal funds and \$1 from general funds are appropriated for the biennium ending June 30, 1991, to the division of human services, department of health and human services, PAU 05, 01, 04, 05, 01, class 91, for the purposes of section 1 of this act. This appropriation shall be in addition to any other sums appropriated to the department for this purpose. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted. Referred to Finance (Rule #24)

SB 354-FN, relative to temporary emergency motor vehicle registration.

Ought to Pass with Amendment. Senator King for the committee.

SENATOR KING: SB 354 merely establishes an emergency procedure for registration for an automobile. It essentially allows somebody who lives in small town that has hours for the clerk that are very difficult for a working person to make an appeal to the Department of Safety to get an emergency extension of their registration while they seek to work that out with their local clerk. The committee was in favor of this unanimously.

Amendment to SB 354-FN

Amend section 1 of the bill by replacing it with the following:

1 Emergency Temporary Registration. Amend RSA 261:57 to read as follows:

261:57 Twenty-Day Registration. Any resident of this state who intends to purchase a vehicle in another state or from another person **or who is unable to register a vehicle because of limited hours of operation of the town clerk in the town where the person resides** may apply to the division or its substation or authorized agent nearest his residence for a registration to drive said vehicle on the ways of the state in an unregistered condition. Said resident shall appear in person at the division or substation to obtain such registration and shall sign under penalty of perjury a statement that the vehicle meets all New Hampshire inspection requirements before said registration may be issued. Said registration shall be valid for 20 days from the time it is issued **and, in the case of a person seeking an extension of his registration, that he was unable to register the vehicle because of the limited hours of the town clerk.** Application blanks and permits in the form prescribed by the director shall be designed, printed, and supplied to the substations by the division. The fee for the issuance of a registration shall be \$10. It shall be unlawful for any person to drive a vehicle on the ways of the state under a registration issued pursuant to this section unless said person has in his possession a valid bill of sale for the vehicle he is driving, dated the same day or one day after the registration is issued **or, in the case of a person whose registration is extended, a copy of the form indicating he was unable to register because of the limited hours of the town clerk.** No person shall make application for a 20-day registration on the same vehicle more than once within a 12-month period. Only one 20-day registration shall be issued during any one calendar year for a vehicle.

AMENDED ANALYSIS

This bill permits a person unable to register his motor vehicle with a town clerk due to the limited hours of the clerk's office to obtain a 20-day registration upon payment of a \$10 fee to the division of motor vehicles or a substation.

Amendment adopted. Ordered to Third Reading.

SB 372-FN, relative to motor vehicle license suspension.

Ought to Pass with Amendment. Senator Johnson for the committee.

Senator Johnson deferred to Senator Heath.

SENATOR HEATH: In light of my record today, Senator Johnson, I am not sure that was a wise decision. But I can tell you that the other bills dealt with money, this deals with human lives and I am very serious at this point. I will read the amended analysis so that you won't believe the coloration is mine. It is written by someone I don't know. I would sincerely urge you to listen and support this piece of legislation. It may be, as it has been with me and I suspect with most of you, a neighbor, a family member, a child whoever dies next on our highways and this is aimed specifically at helping to prevent that kind of tragedy from being repeated as often as it is today. This bill prohibits a resident whose privilege to drive has been revoked or suspended in another state or country, or a non-resident whose privilege to drive in this state, from having any type of motor vehicle, including OHRVs, trucks, motorcycles or boats, registered. It prohibits registration. If you have lost your license to drive, the court which revokes or suspends the driver's license or privilege to drive of an individual shall also revoke the registration of any vehicle or vessel registered to such individual for the period of revocation or suspension of the license or privilege to drive. So they run parallel. It also requires the police officer who stops a non-resident who is driving without a license, and that is a big number of people in the State of New Hampshire, or whose license is under revocation or suspension in his home state, to remove the number plates from the vehicle which the non-resident is driving, if the vehicle is registered to the non-resident driver. It only applies if the vehicle is registered to the person who has no license. In addition, the director of motor vehicles shall revoke the non-resident's right to drive any vehicle in this state until such time as the non-resident's driver's license is restored and he has paid any registration restoration fee owed to the State of New Hampshire. That will help collect some bills, believe me. The bill requires a waiver by the Department of Safety of proof of financial responsibility when a license or privilege to drive has been suspended as a result of an accident not be permitted until a period of seven years has passed from the date of the accident. That means that we are extending the years of which the person has to have financial responsibility if he has gone through the process of losing his license. There are states that require that everybody have financial responsibility, unfortunately perhaps, we don't. But at least the person who has already proven themselves a great risk to life and limb ought to have the responsibility for a period of seven years, so that if he does injure or, God forbid, kill somebody, that he does have some financial help for the victims. Finally, the bill requires that any person who is convicted of subsequent

DWI offense to have his driver's license or driving privileges revoked for a period of three years and restored only upon the condition that he successfully complete an alcohol education program. Essentially, this eliminates numerous first DWI charges. They can still do that but nonetheless would have the same affect that we already have in law for second DWI, an increase in penalties. It is time that we did that because people are getting repeated first DWIs and are failing to get the increased penalties on the second charge. This is legislation that has been worked out with the Department of Safety, with DWI groups. I believe it is supported by Mothers Against Drunk Drivers. I think it is supported by everyone who believes that we have to act to prevent the tragedies that we have seen in the past years. Perhaps the most notable but no more tragic than the ones that we didn't read about so much is the little girl who was putting on her helmet by the side of the road and was wiped out by a man who had already killed two women prior through his drunk driving. I urge the passage of this legislation through this body and it would be real nice if this one was unanimous.

Amendment to SB 372-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to suspension or revocation of the motor vehicle
license or privilege to drive.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Restoration of Registration Fee. Amend RSA 261:141 by inserting after paragraph IX the following new paragraph:

X. For restoration of the privilege to register vehicles or vessels which has been revoked under RSA 261:180 — \$25. Such fee shall be in addition to the fee required under RSA 263:42, V, when applicable. Fees collected solely pursuant to this paragraph shall be deposited in a special account within the highway fund to be administered by the commissioner. Moneys collected in the special account in excess of \$300,000 shall be deposited in the highway fund. Moneys from such special account shall be used in the following manner:

(a) Twenty-five percent shall be used for the purchase of equipment and for personnel within the division of motor vehicles required for administering proof of financial responsibility, and for administering registration suspensions pursuant to RSA 261:180 and 263:56-a, and license suspensions pursuant to RSA 263:64-b and 263:56-a; and

(b) Seventy-five percent shall be credited to the highway enforcement officer and the state police accounts within the department of safety on the following basis: for each arrest by a highway enforcement officer or state police trooper of any person on a bench warrant which has been issued by any court of this state for any offense, the sum of \$100 for each individual so arrested.

2 New Section; Suspension or Revocation of Registration. Amend RSA 261 by inserting after section 179 the following new section:

261:180 Mandatory Suspension or Revocation of Registration.

I. Notwithstanding the provisions of RSA 261:178, persons whose license or privilege to drive has been revoked or suspended pursuant to RSA 263:54, 263:54-a, or 263:56, I(i), or as provided elsewhere, shall be prohibited from registering in this state any type of vehicle or vessel whose registration is required under this title or RSA 215 or 270 during the period of such revocation or suspension.

II. Any court which revokes or suspends a driver's license or privilege to drive pursuant to RSA 263:54, 263:54-a, or 263:56, I(i), or as provided elsewhere, shall also revoke the registration of any vehicle or vessel registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

III. The director shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Administration of mandatory suspension or revocation of registration under paragraphs I and II, including, but not limited to, administrative procedures and appeals under this section; and

(b) Procedures which address joint registration of the vehicles or vessels which are subject to the provisions of paragraphs I and II, including, but not limited to, denial of joint registration by a person who would be subject to the provisions of paragraph I and removal from a joint registration of the name of a person who would be subject to the provisions of paragraph II.

3 Reference Included. Amend RSA 263:54 to read as follows:

263:54 Revocation and Suspension for Nonresidents. **Subject to the provisions of RSA 263:54-a**, the director may suspend or revoke the right of any nonresident owner or driver to drive, or have driven in this state, any motor vehicle, for the same causes and under the same conditions that he can take like action against resident owners and drivers in this state.

4 Suspension or Revocation of Privilege to Drive for Certain Nonresident Drivers; Confiscation of License Plates. Amend RSA 263 by inserting after section 54 the following new section:

263:54-a Nonresidents Driving Under Suspended or Revoked License; Confiscation of License Plates.

I. Any police officer who stops for any reason a motor vehicle driven upon the ways of this state by a nonresident who is driving without a license, or whose license is under suspension or revocation in his state or country of residence, shall remove the number plates from the vehicle which the nonresident is driving if the vehicle is registered to such nonresident driver, alone or jointly.

II. The director shall revoke the privilege to drive of any nonresident driver subject to the provisions of paragraph I until his license has been restored by his state or country of residence and until he has paid any registration restoration fee owed to the state of New Hampshire pursuant to RSA 261:141, X, if applicable. The director shall be deemed to have complied with this paragraph if he has checked with a national driver information repository established pursuant to federal law and found in it that there is no longer any indication of suspension or revocation of such driver's resident license.

III. For each license plate confiscated pursuant to paragraph I, the director shall notify administratively the motor vehicle agency of the jurisdiction which issued the confiscated plate. At such time, the director shall determine if the issuing jurisdiction requires that the license plate be destroyed or returned. Such notification shall take place on a weekly basis.

5 License Suspension and Revocation Authority Extended. Amend RSA 263:56, I (h) to read as follows:

(h) Is a hazard to the public safety as evidenced by proper evidence or information received from a law enforcement agency of misconduct or misuse or abuse of driving privileges[.] ; or

(i) Has had his privilege to drive suspended or revoked in any other state or country for any reason, except for failure to pay a parking ticket.

6 Suspension for Default or Nonpayment of Fine; Suspension of Privilege to Register. Amend RSA 263:56-a, I, II and the introductory paragraph of paragraph III to read as follows:

I. Whenever any defendant:

(a) Defaults on an arraignment or other scheduled court appearance in connection with a charge or conviction of any offense, **whether or not it is motor vehicle related**; or

(b) Fails to pay a fine or other penalty imposed in connection with a conviction of any offense, **whether or not it is motor vehicle related**, which a court has determined he is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order of the director or a court on any matter within the director's or court's jurisdiction, his driver's license or resident or nonresident driving privilege **and ve-**

hicle or vessel registration shall be suspended effective 30 days after such default or failure, except as provided in [paragraph] **subparagraph I(d)** of this section.

(d) If a defendant receives a summons in hand from a law enforcement officer; no further notification to such defendant is required before the suspension of his driving privileges **and vehicle or vessel registration** occurs as provided in subparagraph I(c). If a defendant receives a summons in any manner other than in hand by a law enforcement officer, the court or director, as applicable, shall notify such defendant by certified mail at his last known address that his driving privileges **and vehicle or vessel registration** shall be suspended 30 days after the mailing of such notification.

II. If such defendant fails to appear, pay his fine or comply with an order within the applicable period, as provided in [paragraph] **subparagraph I(c)** or (d) of this section, or fails to demonstrate that he is financially unable to pay the fine or to comply with the order within the applicable period, the director shall suspend such defendant's driver's license or resident or nonresident driving privilege **and vehicle or vessel registration** effective from the applicable date for an indefinite period and mark his files accordingly. All courts shall notify the director of any such failure on a form prescribed by the director.

III. Except as provided in paragraph IV, the license or driving privilege **and vehicle or vessel registration** of any defendant whose license or privilege has been suspended pursuant to paragraph II shall be reinstated upon:

7 Minimum Fine Established. Amend RSA 263:63 to read as follows:

263:63 Driving Without Giving Proof. Any person whose driver's license or registration certificates or other privilege to drive a vehicle has been suspended or revoked, restoration thereof or the issuance of a new license or registration being contingent upon the furnishing of security or proof of financial responsibility, and who during such suspension or revocation or in the absence of full authorization from the director, shall drive any vehicle upon any way or knowingly permit any such vehicle owned by him to be driven by another upon any way, except as permitted hereunder, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. **Persons guilty of a misdemeanor shall, notwithstanding the provisions of RSA 651:2, be fined a minimum of \$300.**

8 New Section; Reinstatement of License for Certain Resident Drivers Prohibited. Amend RSA 263 by inserting after section 64-a the following new section:

263:64-b Reinstatement of License for Certain Resident Drivers Prohibited.

I. The director shall not reinstate the driver's license of a resident whose driver's license has been suspended or revoked pursuant to RSA 263:56, I (i) as a result of the suspension or revocation of his privilege to drive on the ways of any other state or country, unless such suspension or revocation is based on a failure to pay a parking ticket, until such suspension or revocation of such privilege by the other jurisdiction is lifted.

II. The director shall be deemed to have complied with this section if he has checked with a national driver information repository established pursuant to federal law and found in it that there is no longer any indication of suspension or revocation of a privilege to drive of a driver subject to the provisions of paragraph I.

9 Period Extended. Amend RSA 264:7, II to read as follows:

II. The department may waive the requirements of filing proof of financial responsibility and certificates at any time after [3] 7 years' duration from the date of accident involvement or conviction requiring such proof, or, in cases of revocation or suspension, from the date the license or privilege to drive was reinstated, whichever is later, provided the department has not received further record of conviction, accident involvement, forfeiture of bail, unsatisfied judgment or other evidence which would require the continuance of such furnishing of proof of financial responsibility and certificates.

10 New Paragraph; DWI Penalties. Amend RSA 265:82-b by inserting after paragraph IV the following new paragraph:

V. Immediately following a person's conviction for any offense under RSA 265:82 or 265:82-a, the director of motor vehicles shall examine the person's motor vehicle record. If the person has had a prior driving while intoxicated conviction within the preceding 7 years, the director shall revoke the person's driver's license or privilege to drive in this state for a period of not less than 3 years. The person's license or privilege to drive shall not be restored at the end of this 3-year period until the offender has successfully completed the program required by RSA 263:65-a. For the purpose of this paragraph, "successfully completed" shall be defined as meeting further counseling requirements, if any, arising out of the final evaluation given to the offender at the alcohol education program. In no event shall such additional counseling requirements extend in duration beyond 6 months from the date of such final evaluation without first giving the offender the right to a hearing before the commissioner to determine whether he should be eligible for license restoration.

11 Controlled Drug Included. Amend RSA 265:88 to read as follows:

265:88 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265:82, I(a) or RSA 265:82-a, I was under the influence of intoxicating liquor **or any controlled drug**.

12 Payments from Special Account. Payments from the special account established pursuant to RSA 261:141, X as inserted by section 1 of this act shall take effect beginning July 1, 1991.

13 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill prohibits a resident whose privilege to drive has been revoked or suspended in any other state or country, or a nonresident whose privilege to drive has been revoked in this state, from having any type of motor vehicle, including OHRVs, trucks, or motorcycles, registered, or boat registered, in this state for the period of such revocation or suspension.

A court which revokes or suspends a driver's license or privilege to drive of an individual shall also revoke the registration of any vehicle or vessel registered to such individual, for the period of revocation or suspension of the license or privilege to drive. The director of motor vehicles is required to adopt rules relative to joint registrations of vehicles or vessels which are subject to the provisions of this bill.

The bill also requires that a police officer who stops a nonresident who is driving without a license, or whose license is under suspension or revocation in his home state, remove the number plates from the vehicle which the nonresident is driving if the vehicle is registered to such nonresident driver. In addition, the director of motor vehicles shall revoke the nonresident's right to drive any vehicle in this state until such time as the nonresident's driver's license is restored and he has paid any registration restoration fee owed to the state of New Hampshire.

The bill requires that waiver by the department of safety of proof of financial responsibility when a license or privilege to drive has been suspended as a result of an accident not be permitted until a period of 7 years has passed from the date of the accident or the conviction requiring such proof, or, in cases of suspension or revocation, 7 years from the date of license reinstatement, whichever is later.

The bill requires any person who is convicted of a second or subsequent DWI offense to have his driver's license or driving privileges revoked for a period of 3 years and restored only upon condition that he successfully complete an alcohol education program.

The bill also makes a minor technical change in the law relative to evidence in a DWI case.

Amendment adopted.

Senator Heath offered a floor amendment.

SENATOR HEATH: The amendment is essentially the analysis that I read to you.

Floor Amendment to SB 372-FN

Amend RSA 261:141, X(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) Twenty-five percent shall be used for the purchase of equipment and for personnel within the division of motor vehicles required for administering proof of financial responsibility, and for administering registration suspensions pursuant to RSA 261:180 and 263:56-a, and license suspensions pursuant to RSA 263:56-a and 263:64-b; and

(b) Seventy-five percent shall be available to be distributed on the following basis: for each arrest by a highway enforcement officer, state police trooper, or local police officer of any person on a bench warrant which has been issued by any court of this state for any offense, the sum of \$100 for each individual so arrested. Such sums shall be credited to the respective law enforcement agency accounts.

Amend section 12 of the bill by replacing it with the following:

12 Payments from Special Account. Payments from the special account established pursuant to RSA 261:141, X as inserted by section 1 of this act shall take effect beginning January 1, 1991.

Amendment adopted. Ordered to Third Reading.

SB 396-FN, relative to drivers' license suspensions for drug offenses.

Ought to Pass. Senator Currier for the committee.

SENATOR CARRIER: This is another recommendation of the Governor's Committee that is before us today. It is basically a get tough policy in terms of the war on drugs, from a users and a distributors stand point. The motor vehicle is one vital link in the distribution of illicit drugs. This bill puts everyone on notice that if they get caught, they are going to lose their license possibly for life. Period.

Adopted. Ordered to Third Reading.

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents.

Ought to Pass. Senator King for the committee.

SENATOR KING: SB 397-FN adds to the currently existing law that blood testing is required for alcohol and other drugs if death is probable in an accident as well as if a death has occurred. It also has a provision in here where if the officer on the scene of the accident is not certain who the person was who was driving the vehicle that others in the vehicle may be tested so that if it is determined at a later time that one of the other people who was in the vehicle was actually the driver; they would have the evidence that was needed.

Adopted. Ordered to Third Reading.

SB 399-FN, lowering the level from .10 to .08 for legal intoxication under DWI laws.

Ought to Pass. Senator Johnson for the committee.

Senator Johnson deferred to Senator Roberge.

SENATOR ROBERGE: SB 399-FN lowers the breath analyzers count from .10 to .08. Medical research, by consensus, proves that there is visual impairment at .05 and important driving skills are definitely impaired at .08. The Transportation Research Corps recommends that it not exceed .04. The risk of a crash is raised significantly at .05 and it is very rapid after the .08 level is reached. The reason that people can operate a vehicle at a higher level of the BAC is because they have learned compensatory behavior to compensate for the fact that they have been drinking over a long period of time. They have learned how to act out, shall we say or how to control, their learned behavior; because it has become such a habit. The effects of alcohol are: focus is distorted, night vision is distorted, they are unable to judge distance correctly, peripheral vision falls off by 30 percent after a BAC of .05. In other words, they have tunnel vision after .05. Most foreign countries have a level of .08 or lower. Some of them are Canada, Great Britain, Scandinavia, New Zealand, and Australia. The organizations that support a recommendation of .08 or lower: the American Medical Association recommends .05; the National Committee on Uniform Traffic Laws - .08; the American Spinal Injury Association - .08. Other states that have a BAC of .08 are: Utah, Maine, Oregon, California and Idaho. It is a proven fact that a 165 pound man, which is an average sized person, will reach a .10 level by drinking 5 glasses of beer in an hour. I think that I would like to see the BAC changed to .05. I think changing it, dropping it from .10 to .08 is a reasonable alternative and compromise.

Senator King moved to lay **SB 399-FN**, lowering the level from .10 to .08 for legal intoxication under DWI laws on the table.

Adopted.

SB 401-FN, relative to fines imposed for DWI.

Ought to Pass. Senator Johnson for the committee.

SENATOR JOHNSON: This is the last in a series of bills that came before us in the Transportation Committee having to do with tightening up our laws and penalties for DWI and motor vehicle expenses. This bill sets a mandatory minimum for the fine imposed for driving under the influence of alcohol or a controlled drug at \$350 and for a second or subsequent offense at \$500. The current law sets no mandatory minimum. It does have a maximum but it doesn't have a minimum. The thrust of this bill is to set some mandatory minimums as well as maximums.

Adopted. Ordered to Third Reading.

SB 376-FN-A, relative to alcohol and drug testing and appropriating funds for expenses for such testing from the drug forfeiture fund.

Ought to Pass. Senator Preston for the committee.

SENATOR PRESTON: The ought to pass report is incorrect. The committee report was inexpedient to legislate. I respectfully request that you vote no on the pending motion.

Motion failed.

Senator Preston offered a substitute motion of Inexpedient to Legislate.

SENATOR PRESTON: I move that SB 376 be inexpedient to legislate. It was determined that under this bill the drug testing would have been transferred to the Department of Safety. The Governor's Task Force on Impaired Driving recommended that it be left in Public Health for now. I think the message has been conveyed very clearly to those in Public Health that we want them to perform the testing. The Attorney General's Office supports this motion and then if things don't improve, I am sure that there will be more legislation in the upcoming years to indicate that we will transfer this to another department.

Adopted.

SB 379-FN, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership.

Ought to Pass with Amendment. Senator Krasker for the committee.

SENATOR KRASKER: Ten years ago, the General Court passed New Hampshire's first indoor air legislation. It is RSA 155:45. That statute covered enclosed public places owned or supported by tax revenues. It is worth noting that in the ten years that there has been legislation covering smoking policies in the workplace. That law says that businesses should adopt smoking policies. That policy could be that everybody smokes or nobody smokes or smoke if you want to or don't smoke if you don't want to. In grocery stores, it restricted smoking in areas where food was being sold, and in restaurants you will probably remember several sessions ago we had a bill that came through my committee and passed which allowed restaurants to make a choice of either having smoking and non-smoking sections, or having some sort of an air purifying system that complied with the Ashray standards. If these pieces of legislation were working effectively, the Division of Public Health would not have asked for a more comprehensive statute. They have had, they told our committee, in the last year and a half about 500 complaints from individuals telling them that the laws were not working effectively, they were not working as they were intended to work which was to protect public health. SB 379 repeals these existing statutes and replaces them with a comprehensive statute regulating smoking in enclosed places of public ownership, of public access, and places of employment. It provides equal protection to the 73 percent of non-smokers in both the public and the private sectors while still providing reasonable accommodation to the 27 percent of those who are smokers. I think we see how the legislation that governs smoking in public places has worked. I just went into the anteroom. There were members smoking there. That is allowed under the current law, which will be expanded. The committee heard 4 and a half hours of testimony including all the major medical organizations: The New Hampshire Medical Society, the American Cancer Society, the Lung Association, the Heart Association, the Nurses' Association, Dartmouth-Hitchcock Medical School, the Norris Cotton Center. They all urged passage of this bill, this health bill. They emphasized the correlation between smoking and health and they pointed out that environmental or second-hand smoke has even higher concentrations of harmful chemical compounds and carcinogens than inhaled smoke. Non-smokers, including children, absorb these components into their bodies even though they themselves are not smoking. Dr. William Wallace of the Division of Public Health documented the need for this measure. Approximately 18.5 percent of New Hampshire's deaths are attributable to smoking. I just give you lung cancer

deaths. That doesn't count all the other deaths. There were 567 lung cancer deaths in New Hampshire in 1987. There were an additional 521 lung cancer deaths in 1988. The total cost of smoking in New Hampshire in 1985 including all smoking attributable direct and indirect costs was \$217 million, or \$211 per New Hampshire resident. There is no measure that this prudent fiscally conservative Senate can pass this session that will have a more immediate impact on reducing health costs. I thought it was interesting that some of the businesses that were opposing this legislation as an infringement on business's right to operate independently of any government regulation are the very businesses that are bemoaning the fact that their health costs are going up. The committee believes that this is a critically needed health measure and voted 5 to nothing to recommend this bill ought to pass with the following amendment which takes into account the concerns expressed by the business and hospitality testimony. Following the amendment, which is in your calendar, I have a further floor amendment which we just didn't have time to get into the calendar. I will go through the amendment to the bill and I hope with your permission instead of using what is in the calendar you will allow me to use the committee amendment because the print is bigger. The first amendment doesn't look like an amendment. It is a renumbering of the statute. We had testimony because the Division of Public Health had originally suggested that it go into the occupational health statute that perhaps there was a connection with workers' compensation. That was never the intention in drafting the bill and so the first amendment is the whole bill which has been renumbered. What we have done is amend the present clean indoor air statute, which is RSA 155. This is not an amendment, but as I go through the bill, I just want to talk about the term "effectively segregated" because there has been much discussion about this term and what it means. This is patterned after the rules that have been promulgated by health and human services that for ten years have governed New Hampshire's current law on smoking in public places. The term "effectively segregated" is the same one that the State of New Hampshire has been living under for the last ten years and it does provide reasonable accommodation. I have had questions, "enclosed place," what does it mean. As I read it and as it is intended to mean it could mean a room. It is a place that has a ceiling, a floor and walls. It does not mean that there has to be, in order to have smoking, a separately disconnected place that is in no way joined to a non-smoking area. My floor amendment will deal with person in charge and I won't go into this. But the bill does talk about who is in charge in both the public and the private sectors, in public educational facilities. It talks about a restriction of smoking, kindergarten through grade 12. It does not include private schools.

The Commissioner of Education testified in favor of this portion of the bill. There is a section on public conveyance, somebody mentioned at the hearing opposition to the bill, this means that you can't smoke in a State car. No, you can not, if you are transporting other persons for any reason. The section on publicly owned buildings is in existing law; there is going to be a restriction for bingo. The second committee amendment talks about workplace. It means an enclosed place at which, and we have amended the bill from two to four, four or more individuals perform any type of service. It is interesting to note that one half of New Hampshire businesses have 4 or fewer employees. This is not a bill that is going to be oppressive against the mom and pop stores. The third amendment talks about workplaces that are privately or publicly owned except that an effectively segregated smoking area may be designated by the person in charge when requested by a petition signed by at least 25 percent of the employees who work in the work place. Approximately 25 percent of the people in our State are smokers. We felt that that was fair to their rights to be able to request that there be a designated smoking area. However, if you read on further in the bill, if the person in charge determines that the entire building will be no smoking, that does not take away that right of businesses. Interesting enough, at the hearing, one business testified that they do not employ smokers. The condition of being employed is that you are a non-smoker. Another amendment defines very clearly that we are talking in restricting smoking to hospitals and acute care facilities. There are two further amendments later on which correct spelling. What we have tried to do in this bill is provide consistency in both the public and the private sector. One more thing that I will mention and that concerns restaurants. If a restaurant now has a smoking and a non-smoking area, that restaurant is complying with this legislation.

Senator Heath moved to lay **SB 379-FN**, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership on the table.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that

they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, January 23 at 12:45 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 327-FN, relative to a state-sponsored credit card program.

SB 409-FN, relative to school attendance as a condition of issuance of driver's licenses to minors.

SB 335-FN, relative to the department of libraries, arts and historical resources.

SB 339-FN, relative to the licensure of mobile barbershops.

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations.

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority.

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share.

SB 306, extending the reporting date for the committee to study corporal punishment and the licensing and regulations of private kindergartens and nursery schools in the state.

SB 320-FN, relative to court-ordered commitments.

SB 319, relative to uniform principal and income act.

SB 359, relative to modifying Planning Board procedures on plats.

SB 362, relative to reporting requirements for political committees.

SB 374-FN, establishing a study committee to examine probate court reporting requirements.

SJR 1, naming the Kenneth M. Tarr Health Care Facilities.

SB 354-FN, relative to temporary emergency motor vehicle registration.

SB 372-FN, relative to suspension or revocation of the motor vehicle license or privilege to drive.

SB 396-FN, relative to drivers' license suspensions for drug offenses.

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents.

SB 401-FN, relative to fines imposed for DWI.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

January 23, 1990

The Senate met at 12:45 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we have done very little as yet, but we are already tired thinking of what is yet to come.

Looking forward to February vacation, things look better when you are away from them awhile.

Bless us, Lord and give us Your support.

Amen

Senator Magee led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives has passed Bills and a Resolution with the following titles, in the passage of which it asks the concurrence of the Senate.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 1001-FN through HB 1410-FN and HCR 13 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1001-FN, increasing agent fees for fish and game licenses, (Dev, Rec & Env)

HB 1004-FN, relative to the tax abatement procedure. (Public Affairs)

HB 1048-FN, relative to rabies control of dogs. (Exec. Depts.)

HB 1081, relative to the membership of the fish and game commission. (Dev, Rec & Env)

HB 1103-FN, relative to the regional fuel tax agreement. (Transportation)

HB 1133-FN, relative to the executive secretary of the New Hampshire pharmacy board. (Exec. Depts.)

HB 1136, relative to filing of annual reports with the secretary of state. (Public Affairs)

HB 1150-FN, relative to the oil pollution control fund. (Dev, Rec & Env)

HB 1151-FN, requiring certification of wastewater treatment plant operators. (Dev, Rec, & Env)

HB 1159, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure. (Judiciary)

HB 1291-FN, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor. (Finance)

HB 1321-FN, establishing a study committee to determine the feasibility of commercial shell fishing. (Dev, Rec, & Env)

HB 1346-FN, to restore medical benefits. (Exec. Depts.)

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements. (Ways & Means)

HCR 13, to protect and preserve the tenth amendment to the United States Constitution. (Judiciary)

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of acknowledging the bicentennial of New Hampshire signing the Bill of Rights.

Recess.

Out of Recess.

COMMITTEE REPORTS

SB 323-FN, establishing a committee to study the feasibility of a State agency office complex.

Ought to Pass with Amendment. Senator Torr for the committee.

SENATOR TORR: SB 323-FN establishes a study committee to review relocating state agencies renting office space in Concord to one location on state owned property in Concord. The amendment found

on page 6 in Senate Calendar 5 adds two persons to the study committee, one person from Administrative Services and one person from Public Works.

Amendment to SB 323-FN

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The committee shall consist of the following members:

(a) Three members from the senate, appointed by the president of the senate.

(b) Three members from the house of representatives, appointed by the speaker of the house.

(c) The commissioner of administrative services, or designee.

(d) The director of public works and transportation, department of transportation, or designee.

Amendment adopted. Ordered to Third Reading.

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor.

Ought to Pass with Amendment. Senator Torr for the committee.

SENATOR TORR: The amendment found in Senate Calendar 5, page 7 is the bill in its entirety. SB 324-FN-A, as amended, increases the appropriations for the construction of a four-way intersection at New Hampshire Routes 9 and 155 in Dover.

Amendment to SB 324-FN-A

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Increased. Amend 1987, 399:29 to read as follows:

399:29 Appropriation. The sum of [\$1,000,000] **\$2,200,000** is hereby appropriated to the department of transportation for the biennium ending June 30, [1989] **1991**, for land acquisition, engineering, design and planning for the reconstruction and the construction of a 4-way intersection at New Hampshire Routes 9 and 155 in the city of Dover. This appropriation shall be nonlapsing and in addition to any other appropriation for the department of transportation for the biennium. [This appropriation shall be a charge on the highway fund.] **This appropriation shall be reduced by any contributions from any source or local funds.**

2 New Sections; Bonds. Amend 1987, 399 by inserting after section 29 the following new sections:

399:29-a Bonds. To provide funds for the appropriation in section 29 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,200,000 and

for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A.

399:29-b Payments. Payments of principal and interest of the bonds and notes issued for the project in section 29 of this act shall be made when due from the highway fund.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases an appropriation for the reconstruction and construction of a 4-way intersection at New Hampshire Routes 9 and 155 in the city of Dover.

The appropriation is bonded.

Amendment adopted. Ordered to Third Reading.

SB 350-A, relative to office building construction and making an appropriation therefor.

Ought to Pass with Amendment. Senator Torr for the committee.

SENATOR TORR: SB 350-A is amended entirely. The amendment is found in the calendar on page 7. The amendment appropriates \$250,000 for the purpose of designing a general office building on Hazen Drive in Concord. The design will incorporate a designed document already prepared for the Department of Education building. The design will provide for expansion capabilities.

Amendment to SB 350-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an office building and parking garage design
and making an appropriation therefor.

Amend the bill by replacing section 1 with the following:

1 Appropriation. The sum of \$250,000 for the biennium ending June 30, 1991, is appropriated to the department of administrative services for the purpose of designing a new general office building on Hazen Drive in Concord, New Hampshire. This design shall incorporate a design document already prepared for the department of education building. The new design shall meet current applicable building codes and include expansion capabilities. This appropriation is in addition to any other funds appropriated to the department of administrative services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill appropriates funds for the design of a new office facility on Hazen Drive in Concord. Such design shall include expansion capabilities.

Amendment adopted.

Senator Torr offered a floor amendment.

SENATOR TORR: There was a glitch in the process and basically all the amendment does is change the title of the act to relative to an office building design and making an appropriation therefor.

Floor Amendment to SB 350-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to an office building design and making
an appropriation therefor.

Amendment adopted. Ordered to Third Reading.

SB 392-FN, relative to the Spaulding Turnpike.

Ought to Pass. Senator Torr for the committee.

SENATOR TORR: SB 392-FN amends the ten year highway plan relative to the Spaulding Turnpike by reallocating funds which were targeted for safety improvements to authorizing a study for expansion from two lanes to four lanes from the intersection of 125 on the Spaulding Turnpike north to the intersection of Route 11 on the Spaulding Turnpike. This study is supported by the Department of Transportation because of safety concerns and is strongly supported by Senator Dupont and Senator Torr.

SENATOR NELSON: I would like to just make a remark about SB 392. As a member of the Capital Budget Committee who worked with Senator Torr, I will tell you that I sat in the chair and Senator Torr did not. And I will also tell you that if you look very carefully on the second page of that bill, this is not asking for new money. It is reallocating money. The emphasis here is on reallocation. It is taking money that was already allocated to that area and keeping it in that area on another project. The Department of Transportation came in and supported the project. Although on the first page of the bill it looks like new money and it isn't. So I urge you to turn the page and see that it is not getting any new money.

Adopted. Ordered to Third Reading.

SB 398, relative to the east-west highway study.

Ought to Pass with Amendment. Senator Torr for the committee.

SENATOR TORR: SB 398 was filed to address the concerns federal agencies had with the environmental impact study being conducted for the proposed east-west highway from the Concord area to the tri-city area of Dover, Rochester and Somersworth. It also opens the study to include the area south of exit 9. The amendment found in the calendar on page 9 further opens the study area but puts into law the original intent of the new highway from Concord to the tri-city area. It also includes language that if a route is proposed south of exit 7 of the Spaulding Turnpike to require additional legislation. The bill extends the deadline to complete the study to September 30, 1991.

SENATOR PRESTON: I am in support of this bill. It highlighted a very significant problem that I think we are facing. When the commissioner of the Department of Transportation testified, he indicated how polarized the conservation and highway people were. He gave an example of the highway just above this in Eppingham, a two mile section that they have been working on for two years for completion. He mentioned 51 where the EPA and the Corps of Engineers still can't resolve the problem with the highway department. As a result of that, we have the highest accident rate highway in the State not completed and funds available. The most interesting response, I think, we got on this matter was we asked him how many miles we are talking about for this appropriation. He said about 30 miles. The answer was that we are spending about \$156,000 per mile for studies. Years ago we used to spend that much to build it. We have got to bring some common sense into the process here. As the commissioner indicated, it could be far in excess of that. We are wasting a lot of time and I would urge forces on both sides of the issue to resolve it because I don't think any of us will be around to see this east-west highway built if this keeps up.

SENATOR TORR: Senator Preston, isn't it also true that he estimates that if we continue on the same course that \$156,000 per mile is going to escalate?

SENATOR PRESTON: I think he hinted that it could be a quarter of a million dollars per mile for studies. I think that is a bit ridiculous.

Amendment to SB 398

Amend 1988, 266:1 as inserted by section 1 of the bill by replacing it with the following:

266:1 Declaration of Public Interest. It is hereby declared to be in the public interest to preserve and maintain the natural beauty and character of the state's resources; to maintain the environmental quality for the overall welfare and benefit of the people of the state, and to promote efforts which will prevent or minimize any potentially adverse impact or damage to the environment while fulfilling the social, economic and other needs of the people of the state. It is further declared to be in the public interest to maintain the character of, to preserve and to avoid any interference with, the natural beauty and environmental integrity of the state's Great Bay area. The means for encouraging the goals and purposes authorized by this act are to direct the department of transportation to undertake a study of potential social, economic and environmental impacts of, and preliminary design plans for, a proposed 4-lane east-west highway from [Route I-393 in Concord,] **the Concord area** to [a terminus located north of exit 9 on the Spaulding turnpike. This project will be an alternate to U.S. Route 4 and U.S. Route 4 shall not be a part of the proposed east-west corridor study] **the tri-city area of Rochester, Dover and Somersworth. Recognizing that the Route 101/51 corridor is designed to provide east-west access south of Great Bay, the purpose of this project will be to provide improved highway access for the foreseeable future from the Concord area to the tri-city area of Rochester, Dover, and Somersworth. While it is recognized that federal mandates require the study of a wide range of alternatives for comparative purposes, it is the clear intent of the legislature that the purpose of this proposed highway is to serve the present and future transportation needs from the Concord area to the tri-city area of Dover, Somersworth and Rochester. If the design plan includes any route or routes which have a point of terminus at any point on the Spaulding turnpike south of exit 7, no design plans shall be prepared or implemented in any way with respect to said route or routes unless such planning or implementation is expressly approved by the legislature.**

Amend 1986, 203:8 as inserted by section 2 of the bill by replacing it with the following:

203:8 Appropriation. The sum of \$1,000,000 is hereby appropriated to the department of transportation for the biennium ending June 30, 1987, for the purpose of an environmental impact study and preliminary design plans for a 4-lane east-west highway from [Route I-393 in] **the Concord area**[, to a terminus north of exit 9 on the Spaulding turnpike] **to the tri-city area of Rochester, Dover and**

Somersworth. The New Hampshire general court directs the department of transportation to [limit the] study [to a terminus north of exit 9 on the Spaulding turnpike] **improved highway access from central New Hampshire to the tri-city area of Dover, Rochester and Somersworth.** This shall be a nonlapsing appropriation and in addition to any other appropriation for the department of transportation for the biennium.

Amend 1986, 203:8-a as inserted by section 3 of the bill by replacing it with the following:

203:8-a Deadline. The department of transportation shall complete the study authorized by 1986, 203:8 by [June] **September 30, [1990] 1991.**

AMENDED ANALYSIS

The present law limits the study of the proposed east-west highway from I-93 in Concord to a terminus north of exit 9 on the Spaulding turnpike.

This bill changes the focus of the study from a specified terminus to providing improved highway access from the Concord area to the tri-city area of Rochester, Dover, and Somersworth.

The bill also extends the date for completion of the study from June 30, 1990, to September 30, 1991.

Amendment adopted. Ordered to Third Reading.

SB 388, relative to ski patrol personnel qualifications and licensing.

Ought to Pass with Amendment. Senator Currier for the committee.

SENATOR CURIER: This bill exempts ski patrol personnel from licensing requirements under emergency medical services if the personnel meet certain qualifications. The bill amendment is on page 9 of your current calendar and repeals a requirement that the Division of Public Health license ambulance attendant drivers. The current practice in the State of New Hampshire is that they are not licensed as an additional requirement. Therefore, the request for the amendment.

Amendment to SB 388

Amend RSA 151-B:13, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. For purposes of this chapter, ski patrol personnel, while working at a ski area operating in the state of New Hampshire, shall not be required to obtain a license under this chapter. However, such personnel shall be currently certified under both subparagraph (a) and (b) as:

(a) Qualified by one of the following:

(1) Having completed all requirements and objectives of the Winter Emergency Care (WEC) program;

(2) A department of transportation first responder;

(3) Having completed the advanced first aid and emergency care course in accordance with subparagraph IV(b)(1); or

(4) An emergency medical technician, emergency medical technician-I, or emergency medical technician-P.

(b) Having successfully completed a cardiopulmonary resuscitator course, which shall be either an American Red Cross Professional Rescuer or American Heart Association level C, with appropriate examinations and test. The completion of such a course shall be recognized as valid for 12 months from the date of completion.

Amend the bill by replacing all after section 1 with the following:

2 Repeal. RSA 151-B:11, II, relative to public health services licensing an attendant-driver or driver to drive on the ways of the state, is hereby repealed.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill exempts ski patrol personnel from licensing requirements for emergency medical services if the personnel meet certain qualifications.

The bill repeals the requirement that the division of public health services license an attendant-driver or driver, to drive an ambulance on the ways of the state.

Amendment adopted. Ordered to Third Reading.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters.

Ought to Pass with Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: SB 363 has three distinct changes. One, it amends a certain section of the HMO statutes by increasing the capital requirements for HMOs in the state, due to the recent insolvency of an HMO. Section 2 amends the section of the statute governing the cancellation of auto policies by changing the ability of an insurer to cancel an entire household for one member's loss of license or registration. Section 3 removes RSA 404 which is a statute made irrelevant by the creation of the guarantee association, a statute that is no longer in use and should be removed.

Amendment to SB 363

Amend the bill by replacing section 2 with the following:

2 Health Maintenance Organizations as Insurance Companies.
Amend RSA 420-B:20, I to read as follows:

I. A health maintenance organization shall be considered an insurance company, however, except as provided in this chapter, [provisions of the insurance laws and provisions of the hospital, medical or health service corporation laws] **title XXXVII** shall not be applicable to any health maintenance organization granted a certificate of authority under this chapter; provided, that this provision does not apply to an insurer or hospital or medical service corporation licensed and regulated pursuant to the insurance laws or the hospital or medical service corporation laws of this state, except with respect to its health maintenance organization activities authorized and regulated pursuant to this chapter.

Amend the bill by replacing all after section 3 with the following:

4 Capital Requirements. Amend RSA 420-B:25 to read as follows:
420-B:25 Capital Requirements.

I. Before issuing a certificate of authority under this chapter, the commissioner shall require that the health maintenance organization have an initial net worth of [\$1,500,000] **\$6,000,000** and that the minimum net worth required under paragraph **II** is maintained.

II. Every health maintenance organization shall maintain a minimum net worth equal to the greater of:

(a) [\$1,000,000] **\$6,000,000**; or

(b) [Two] **Seven and one-half** percent of annual premium revenues as reported on the most recent annual financial statement filed with the commissioner [on the first \$150,000,000 of premium and one percent of annual premium on the premium in excess of \$150,000,000].

The minimum net worth shall be met by the health maintenance organization upon expiration of the certificate of authority.

III. [A health maintenance organization certified before the effective date of this section shall maintain a minimum net worth of:

(a) Twenty-five percent of the amount required by paragraph **II** by December 31, 1991.

(b) Fifty percent of the amount required by paragraph **II** by December 31, 1992.

(c) Seventy-five percent of the amount required by paragraph **II** by December 31, 1993.

(d) One hundred percent of the amount required by paragraph **II** by December 31, 1994.] **In addition to paragraphs I and II, if at any time uncovered expenditures exceed 15 percent of the total**

health care expenditures, a health maintenance organization shall increase the required minimum net worth by 120 percent of the health maintenance organization's outstanding liability for uncovered expenditures for enrollees including incurred but not reported claims which shall be calculated as of the first date of the month and retained for the remainder of the month. The increase to minimum net worth required by this paragraph shall not exceed \$5,000,000. Health maintenance organizations shall file a report within 45 days after the end of the calendar quarter with information sufficient to demonstrate compliance with this section.

IV. In addition to paragraphs I, II and III, the commissioner shall require additional capital if he finds that the health maintenance organization does not have reasonable and adequate specific stop-loss reinsurance for its individual members.

[IV.]IV. Every health maintenance organization shall, when determining liabilities, include an amount estimated in the aggregate to provide for any unearned premium and for the payment of all claims for health care expenditures which have been incurred, whether reported or unreported, which are unpaid and for which such organization is or may be liable, and to provide for the expense of adjustment of settlement of such claims.

[V.]VI. Such liabilities shall be computed in accordance with rules adopted by the commissioner upon reasonable consideration of the ascertained experience and character of the health maintenance organization.

5 New Paragraph; Limitations on Liability Coverage. Amend RSA 259:61 by inserting after paragraph II the following new paragraph:

III. The coverages described in paragraphs I and II shall not apply to a named insured or members of the named insured's household whose driver's license has been suspended or revoked.

6 Repeal. The following are repealed.

I. RSA 417-A:4, II, relative to cancellation of an insurance policy where license or registration of the insured or another operator, who customarily drives the insured vehicle, is suspended or revoked.

II. RSA 404, relative to safety funds of fire insurance companies.

7 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill allows health maintenance organizations to be considered as insurance companies.

The bill repeals a chapter relative to the safety funds for fire insurance companies.

The bill also prohibits cancellation of insurance policies because the operator of the licensed vehicle has his registration or license revoked or suspended.

The bill also makes certain automobile liability coverage inapplicable to insureds or their household members whose driver's license have been revoked or suspended.

Amendment adopted. Ordered to Third Reading.

SB 321, relative to group health insurance.

Ought to Pass with Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: SB 321 amends the insurance statute which governs the issuance of group accident and health policies in New Hampshire. The changes to this statute are being made primarily to clarify certain portions of the statute that are difficult to interpret as written. Section 1 states group accident and health insurance policies shall conform to all ethical laws and rules and makes clear that the commissioner has the authority to approve such policies. Section 2 clarifies application of part-time employee rule. The insurance department has been interpreting this so as not to apply to disability or income replacement benefits. This makes that interpretation explicit. Sections 3 and 4 adds language to RSA 415:18-2 and 415:18-7a identical to language added to 415:18. This language changes the application of New Hampshire law from policy delivered or issued for delivery in this State to policies affecting a resident of this State. The language is intended to apply to all aspects of group accident and health but because it was only added to section of the statute in 1986, this intent was not clear. Section 5 coordinates other group accident and health statutes governing coverage during a labor dispute providing for a 39 week extension in a situation where a coverage is terminated for any reason. At present one section of the statute provides 6 month extension, the other 9 months. This will insure that either option will provide nine months.

SENATOR NELSON: Senator Delahunt, I just didn't quite hear everything and understand it. I understand that this bill permits insurers to exclude part-time employees from a group coverage, I don't understand what it means for a short or long-term disability. Could you just give me an indication of what that means?

SENATOR DELAHUNTY: Section 2 clarifies the application of part-time employee rule. The insurance department has been interpreting this so as not to apply to disability or income replacement benefits.

SENATOR NELSON: I didn't understand, you also said it extends by 13 weeks the length of time an employee may continue the benefits. I wasn't clear because the federal government says that the employer has to give so much time.

SENATOR DELAHUNTY: It gives a 39 week extension. At present one section of the statute provides for 6 months, the other nine months. This will insure that either option will provide nine months which is 39 weeks. I don't think I mentioned a thirteen week.

SENATOR NELSON: The analysis on the third paragraph says that the bill extends by thirteen weeks, the length of time that an employee may continue the benefits once such coverage is no longer available to him. I am confused and want a further explanation before I vote on this. Number 1, I hear you saying 39 weeks and I don't see where the 13 is and the federal government says that employee, once terminated, that they would get coverage for 18 months. So I am confused as what all this means.

SENATOR DELAHUNTY: The extension is the 13 weeks in addition to the six months which comes out to the equivalent of 39 weeks, the nine month program. The other question, I am not sure where you are at. At present, one section of the statute provides 6 months extension, the other nine months. This will insure that either option will provide nine months.

SENATOR NELSON: Does it interfere with the federal government extension of 18 months at all?

SENATOR DELAHUNTY: I don't think that it does.

Amendment to SB 321

Amend RSA 415:18, I(r) as inserted by section 2 of the bill by replacing it with the following:

(r) A provision that the validity of the policy shall not be contested except for non-payment of premiums, after it has been in force or 2 years from its date of issue; that a statement signed by any person covered under the policy relating to insurability shall be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of 2 years during such person's lifetime. No such provision, however, shall preclude the assertion at any time, of defenses based upon the person's ineligibility for coverage under the policy or upon other provisions in the policy, except for any provisions establishing, as

a requirement of eligibility, the furnishing of satisfactory evidence of insurability to the insurer.

Amend the bill by replacing section 5 with the following:

5 Continuation of Benefits. Amend RSA 415:18, VII-a (e) to read as follows:

(e) After the 6 month period, [if the group insurance coverage is no longer available, then] the employee shall have the right to **continue the benefits being continued under this paragraph for an additional 13 weeks as if the employee originally had elected the extension period provided by RSA 415:18, VII(g)(1) and subject to the same conditions. At the end of the additional 13 weeks, the employee shall have the right, if the group insurance coverage is no longer available, to** convert to an individual policy in accordance with the provisions of RSA 415:18, VII.

Amendment adopted. Ordered to Third Reading.

SB 317, relative to the New Hampshire energy authority.

Inexpedient to Legislate. Senator Dupont for the committee.

SENATOR DUPONT: We had a special session during December that dealt with the resolve of the PSNH bankruptcy crisis. As a result of that, Internal Affairs heard testimony on repealing the energy authority. As a result of some concerns about when that was going to be taking place, we obviously did away with the energy authority and the necessity for this legislation, which was merely a technical correction.

Adopted.

SB 368-FN, establishing a system of state financial incentives to stimulate a paper recycling industry in the North Country.

Inexpedient to Legislate. Senator Heath for the committee.

SENATOR HEATH: The primary group that this was aimed at was not satisfied with it and it was something that we felt didn't warrant passage at this time. It is an idea that is still being looked into and I would ask that you go with the committee recommendation of inexpedient to legislate.

Adopted.

SB 369-FN, relative to the proper disposal of compost waste material.

Inexpedient to Legislate. Senator Heath for the committee.

SENATOR HEATH: As this was written, it would mandate costs onto the towns. This is something the towns can already do, compost lawn and yard materials. We certainly urge them to do it, but we didn't feel that we wanted to mandate costs and then be responsible for them. We found it inexpedient and we hope you go along.

Adopted.

SB 395-FN, establishing a committee to study the loss of property tax revenue in cities and towns with tax-exempt institutions.

Inexpedient to Legislate. Senator Roberge for the committee.

SENATOR ROBERGE: SB 395 was heard in Senate Ways and Means. It was decided by a unanimous vote that the subject had been studied extensively and recently passed and that there is a mechanism to take care of any questions that might have to do with whether an organization should be tax exempt or not. We decided to bring this out of committee inexpedient to legislate.

Adopted.

Senator King wished to be recorded as opposed to the motion.

REMOVED FROM THE TABLE

Senator Disnard moved to remove **SB 349-FN**, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues from the table.

Adopted.

SB 349-FN, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues.

Ought to Pass.

Senator Heath offered a floor amendment.

SENATOR HEATH: After this bill was tabled, Senator Disnard and I talked and we drew up this amendment. This amendment retains a portion of the bill that the Department of Education supported in testimony and it strikes the provision of competing petitions over the issue of whether there will be a school district meeting and moves the affirmation number to a third of the voters instead of a quarter or fifty or less which is not only confusing but disproportionately unfair to the larger towns. I would urge you to go along with this revised version of this legislation.

Floor Amendment to SB 349-FN

Amend the title of the bill by replacing it with the following:

An Act

relative to special meetings of school districts
and relative to voting for reconsideration
of certain bond issues.

Amend the bill by replacing all after the enacting clause with the following:

1 Vote for Reconsideration; Bond Issues in Excess of \$100,000. Amend RSA 33:8-a, IV to read as follows:

IV. A motion to reconsider the vote on a bond or note issue under paragraphs I and II shall pass only upon a 2/3 vote of all those voters present and voting. Upon favorable approval on the motion to reconsider [the vote on a bond or note issue under paragraphs I and II], actual reconsideration of the bond issue shall not take place until the expiration of at least 7 days from the date on which the original vote on the motion was taken. Notice of time and place where such reconsideration shall take place shall be published in a newspaper of general circulation in the municipality at least 2 days before the reconsideration vote. Wherever required, the provisions of RSA 33:8-a shall apply.

2 Special Meetings of School Districts; Changed Vote. Amend RSA 197:2 to read as follows:

197:2 Special Meetings. A special meeting of a school district shall be holden whenever, in the opinion of the school board, there is occasion therefor; or whenever [50] 1/3 or more voters[, or 1/4 of the voters] of the district[, whichever is less,] shall have made written application to the school board therefor, setting forth the subject matter upon which action is desired.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires a 1/3 vote in order to call a special meeting of a school district. Current law provides that in order to call such meeting, 50 or 1/4 of the voters of the district, whichever is less, is needed. Special meetings can additionally be called by the school board on its own accord, as is currently provided.

The bill also requires a 2/3 vote for the passage of a motion to reconsider a vote on a bond or note issue in excess of \$100,000.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final

passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

Third Reading and Final Passage

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex.

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor.

SB 350-A, relative to an office building design and making an appropriation therefor.

SB 392-FN, relative to the Spaulding Turnpike.

SB 398, relative to the east-west highway study.

SB 388, relative to ski patrol personnel qualifications and licensing.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters.

SB 321, relative to group health insurance.

SB 349-FN, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues.

Senator Dupont moved that the Senate be in recess until Tuesday, January 30, 1990 at 1:00 p.m. for the sole purpose of introducing legislation, referring bills to committee, and scheduling hearings.

Adopted.

Recess.

January 25, 1990

Out of Recess.

Senator Bartlett in the Chair:

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 1033 through HB 1359-FN shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1033, relative to fishing in the Connecticut River. (Dev, Rec, & Env)

HB 1040-FN, relative to civil and criminal penalties in the safe drinking water act. (Dev, Rec, & Env)

HB 1044, relative to fees of justices of the peace and notaries public. (Public Affairs)

HB 1075, relative to location of court hearings in abuse or neglect cases. (Judiciary)

HB 1149-FN, relative to expending national forest reserve funds in unincorporated towns and unorganized places. (Public Affairs)

HB 1158-FN, relative to protecting the United States flag from desecration when it is properly displayed on public or private property. (Judiciary)

HB 1230-FN, allowing Hart's Location to establish a school district. (Education)

HB 1236, relative to the fish and game commission. (Dev, Rec, & Env)

HB 1354-FN, relative to boat registrations. (Dev, Rec & Env)

HB 1359-FN, relative to regional vocational education. (Education)

Recess.

January 30, 1990

Out of Recess.

LATE SESSION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, January 30, 1990 at 1:00 p.m.

Adopted.

Senator Dupont moved to adjourn.

Adjournment.

January 30, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by Acting Senate Chaplain, Reverend Disnard.

Bless Us Oh Lord, especially these Senators, staff, and those who volunteer to make democracy move and work in our State especially in these times of deficit when we all need to work together.

Amen

Senator Stephen led the Pledge of Allegiance.

Senator McLane introduced a resolution honoring Anita Hickey.

INTRODUCTION OF GUESTS

NOTICE OF RECONSIDERATION

Senator King has served notice of reconsideration of **SB 349**, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues.

HOUSE MESSAGE

The House of Representatives has passed Bills and a Resolution with the following titles in the passage of which it asks the concurrence of the Senate.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered **HB 266-FN** through **1441-FN** and **CACR 23** shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 266-FN, requiring employers to offer health benefits to part-time employees. (Insurance)

HB 690, relative to surplus funds and expenditures by candidates. (Public Affairs)

HB 1013, reviving the charter of the New Hampshire Karting Association. (Public Affairs)

HB 1026, relative to the definition of public access to public waters. (Dev, Rec, & Env)

HB 1028, relative to the number of events at which a club may serve liquor in a year. (Internal Affairs)

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement. (Dev, Rec, & Env)

HB 1049-FN, relative to fishing licenses for non-institutionalized developmentally disabled persons. (Dev, Rec, & Env)

HB 1053, relative to the patients' bill of rights. (Public Institutions, Health & Human Services)

HB 1069-FN, relative to the dig-safe law. (Internal Affairs)

HB 1072-FN, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation. (Insurance)

HB 1099, relative to controlled drugs and pharmacy licensing. (Internal Affairs)

HB 1104, relative to the motor vehicle laws. (Transportation)

HB 1146-FN, relative to confidential information concerning a child who is subject to placement with persons or agencies. (Public Institutions, Health & Human Services)

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident. (Transportation)

HB 1175-FN, establishing a committee to study choice in education. (Education)

HB 1190-FN, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects. (Public Affairs)

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members. (Internal Affairs)

HB 1204-FN, reinstating the corporate charter of the Waltham Screw Co. (Public Affairs)

HB 1208-FN, reducing certain misdemeanors to violations. (Judiciary)

HB 1219-FN, relative to the oil discharge and disposal cleanup fund. (Dev, Rec, & Env)

HB 1228-FN, relative to preparation of master jury lists by computer. (Judiciary)

HB 1256-FN permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees. (Internal Affairs)

HB 1270-FN, relative to the enforcement of the hazardous waste laws. (Dev, Rec, & Env)

HB 1283-FN, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant. (Education)

HB 1286, relative to special education. (Education)

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities. (Public Institutions, Health & Human Services)

HB 1347-FN-A, relative to quality assurance records of community mental health programs. (Public Institutions, Health & Human Services)

HB 1357, relative to the rulemaking authority of the commissioner of environmental services. (Dev, Rec, & Env)

HB 1367-A, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building. (Public Affairs)

HB 1389-FN-A, relative to the taxation of banks. (Ways & Means)

HB 1404-FN-A, establishing a study committee on shoreland protection and standards for such protection. (Dev, Rec, & Env)

HB 1441-FN, relative to medicaid fraud. (Judiciary)

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received thereon, shall be used for educational purposes only. (Ways & Means)

COMMITTEE REPORTS

SB 387, relative to insurance of accounts.

Ought to Pass with Amendment. Senator Dupont for the committee.

SENATOR DUPONT: You have before you SB 387 which originally, as the bill was drafted, merely dealt with a technical change that changed the name of the guarantee association for a certain group of banks from the FSLIC to the Savings Association Insurance Fund which was a result of changes in federal statutes that dealt with

some of the problems in the savings and loan industry all over the United States. I think most of you are familiar with some of the problems that other states have encountered in this area. In response, both the reaction of the federal regulatory agencies and the Congress of the United States are trying to deal with some of those problems. As the bill came in originally, that was the intent of what the legislation was designed to do. When we heard testimony on this bill, we had the State Banking Commissioner come in and speak to us about some concerns that he had. With his ability to deal with situations, while not as bad as what we have seen all over the country, certainly serious enough so that he is, at this point in time, concerned with the condition of a number of banks in our State and felt that he needed additional powers to deal with those banks' problems. The amendment that is in the calendar really has four sections that I will briefly speak to.

The first section of the amendment deals with allowing the banking commissioner to move forward on problem banks without receiving a concurrence from federal agencies. Basically, what we are allowing him to do is, if he determines that a situation is serious enough to warrant action on his part, rather than waiting for the federal agencies to concur with him that a problem does exist, he would have the opportunity to move ahead with his plan for dealing with that bank's problem without waiting for the federal concurrence.

The second part of this legislation deals with regional interstate banking which is presently the law in New Hampshire. We went through the emotional debate about regional interstate banking a few years back. Many of you were here for that. I don't know if you could stand here today and say that it hasn't worked. I would say that rather than not working that it worked exactly the way that some of us who were trying to bring some reason to the debate anticipated that it would work. That is that banks that had an interest in New Hampshire acquired banks that were of a significant enough nature to their business to warrant them being in New Hampshire. And, as we have seen, there still are a large number of banks in New Hampshire and those that predicted that we would have all the banking industry controlled by one or two banks certainly were wrong. There is a reason why we bring this to you today and I guess the biggest reason is, if you are reading the newspapers, you are aware that we have a number of banks in the State, some of them fairly large in size, that do have problems. One of the things that we would like to see, hopefully, by the passage of this legislation is the opportunity to attract new capital in the State. I think many of us recognize the fact that we probably do have some banks, who have played a major role in New Hampshire's growth in recent

times, that aren't going to be in good enough shape to help get us out of the slow down in our economy. In order to attract sufficient capital to get our economy moving when the time comes, it clearly isn't going to come from banks within the New England region. Because you are all aware that there are a number of New England banks on top of the problems that we have in New Hampshire that are in serious condition. One only has to look to at what has happened with the Bank of New England to recognize that the situation in front of us is very serious indeed.

The third provision of this bill deals with a section of New Hampshire law which basically says that any bank in the State that holds more than 15 percent of the deposits can not expand in New Hampshire by acquiring another bank or adding a branch. We are the only State, to the best of my knowledge, in the country that has this provision. Most other States look at market concentration. In essence, what you are saying is that a bank that has 15 percent of the total deposits in the State, even though they would be located in Portsmouth or Nashua, can not open a branch bank up in Berlin, even though they have no market concentration at all in Berlin. We are moving that to 20 percent. There is a reason for that. Basically, if you are looking at the potential for some mergers of banks within the State, those that make sense are taking the healthy bank and combining it with an unhealthy bank, and we don't feel that we ought to penalize the banking institution that is the acquiring bank in that situation and allow them the opportunity to grow in the State, even though because of current conditions in our economy, that merger was necessary.

There are actually two other sections, but the section which has caused the most controversy is this 15 to 20 percent rule along with the fact that we are also giving the banking commissioner the authority to waive that 20 percent rule if, in fact, the merger is taking place that, short of his taking action, the federal agencies might move to affect the merger. We are giving him the authority to do that. Basically, what we are saying is if the bank in the State presently has 14 percent of the deposits, another bank is 7 or 8 percent and they are in trouble, the banking commissioner can waive that 20 percent rule to allow that merger to take place. I think his fear and my fear is that if we don't give him the flexibility to deal with this issue, if we don't give him the flexibility to deal with the problems that we have in the State at the present time, then the federal regulators, who we all know now because of what happened down south and out west, are taking a much harder line approach to regulating banks. So basically, we are asking you today to give him the ability to deal with these problems from a New Hampshire perspective rather than from a federal regulatory perspective. The last issue

that is in this legislation deals with foreclosure sales. The current law says that within 30 days of the time of foreclosure, you have to close on the sale and register the deed. This doesn't help the banks. It helps the buyers. It basically give somebody the opportunity to go to a foreclosure sale and after they purchase a piece of property at foreclosure sufficient time to go out and put together a mortgage. Under the 30 day clause that is presently in the law, most people would have a difficult time getting a financial institution to close within that period of time. I think this one item perhaps has the potential to allow more people to participate in auctions and perhaps take advantage of some of the misfortune that is out there, whether it be bank misfortune or individual misfortune. But it should allow more people to participate. In brief, that is basically what this piece of legislation does. I have some real serious concerns about the condition of a number of banks in New Hampshire. I think that is shared by many of the people on our committee and certainly if you have read the newspaper lately some of the earnings reports and the allowances for non-performing loans should make you somewhat concerned that we have the proper regulatory authority in the State to deal with these problems.

SENATOR JOHNSON: With all due respect to the Senate Majority Leader for the detailed report that was offered here, I am going to vote against this bill as a matter of principle. What we really have is a fairly innocuous bill, SB 387, that has now been amended and converted into an interstate banking bill. Most of the members of this Senate were here when we went through this interstate banking bill issue before and I think that this is not the way to pass major legislation affecting the State and our banking industry. I share the same concern that Senator Dupont has and everybody else in the Senate has in the banking industry. I am feeling it in a very direct way also. But to bring in as an amendment a major policy bill to an innocuous bill is something that I am simply going to object to and vote against on a matter of principle because I simply have not had the opportunity to examine the merits of it.

Amendment to SB 387

Amend the title of the bill by replacing it with the following:

AN ACT

relative to insurance of accounts, interstate banking, and
other matters regarding financial institutions.

Amend the bill by replacing all after section 1 with the following:

2 Notice to Federal Authorities. Amend RSA 384:12-d to read as follows:

384:12-d Notice to [and Concurrence of] Federal Authorities. In connection with any proceeding under this subdivision involving a financial institution under the concurrent supervision of a federal agency and the commissioner, the commissioner shall provide the appropriate federal agency with notice of such proceeding and the grounds therefor. [Such proceeding shall then only be continued by the commissioner with the concurrence of the appropriate federal agency.]

3 Subdivision Heading. Amend the subdivision heading preceding RSA 384:44 to read as follows:

Establishment of New Banks and Acquisition
by Out-of-State [New England] Banks

4 Definition of New England; Interstate Banking. Amend RSA 384:44, I to read as follows:

I. "Affiliation" means either the establishment of a new New Hampshire bank or bank holding company or the acquisition of 5 percent or more of the voting stock of a New Hampshire bank or bank holding company by an out-of-state [New England] bank or [New England] bank holding company.

5 Definitions; Deletion of "New England". Amend RSA 384:44, IX and X to read as follows:

IX. "Out-of-state [New England] bank" means a bank having its principal place of business in any [New England] state other than New Hampshire.

X. "Out-of-state [New England] bank holding company" means a bank holding company which:

(a) has its principal place of business in any [New England] state other than New Hampshire;

(b) Has in New England the majority of the total deposits held by all of the banking offices of all of its banking subsidiaries, as shown in the most recent reports of condition or similar reports filed by the bank holding company subsidiaries with state or federal regulatory authorities;

(c) Is controlled by another bank holding company or companies and each such bank holding company meets the requirements of subparagraphs (a) and (b)].

6 Authorization to Affiliate. Amend RSA 384:45 to read as follows:

384:45 [New England Regional] Authorization to Affiliate. This subdivision authorizes the establishment of new New Hampshire banks and the acquisition of New Hampshire banks or bank holding companies by an out-of-state [New England] bank or [New England] bank holding company if at the time of the approval of a certificate to affiliate by the board of trust company incorporation the out-of-state

[New England] bank or [New England] bank holding company is in compliance with the requirements of this subdivision.

7 Establishment of New Banks. Amend RSA 384:46 to read as follows:

384:46 Establishment of New Hampshire Banks. An out-of-state [New England] bank or bank holding company may establish a bank in New Hampshire under the statutory procedures governing the establishment of a new bank, except that the bank or bank holding company may be the sole incorporator. The formation, incorporation, and activities of a bank established by an out-of-state [New England] bank or bank holding company shall be governed by the provisions of the laws of New Hampshire applicable to such bank or bank holding company and shall require a certificate under the same terms and conditions in accordance with the provisions of RSA 384:48-50.

8 Acquisitions. Amend the section heading and paragraph I of RSA 384:47 to read as follows:

384:47 Acquisitions by Out-of-state [New England] Banks and Holding Companies.

I. An out-of-state [New England] bank or bank holding company may directly or indirectly acquire 5 percent or more of the voting stock of a New Hampshire bank or bank holding company following the issuance of a certificate in accordance with the provisions of RSA 384:48-50 by the board of trust company incorporation.

9 Application for Certificate. Amend the introductory paragraph of RSA 384:48, I to read as follows:

I. Each time an out-of-state [New England] bank or bank holding company seeks approval of a proposed affiliation under RSA 384:46 or RSA 384:47, it shall file an application for a certificate with the board of trust company incorporation. Said application shall include, but not be limited to, the following information:

10 Holding Company; Reports and Examinations. Amend RSA 384:48, II and III to read as follows:

II. [A New England] **An out-of-state** bank or bank holding company may establish a new New Hampshire bank or directly or indirectly acquire 5 percent or more of the voting stock of a New Hampshire bank only if at the completion of the transaction the voting stock of the New Hampshire bank is held by a New Hampshire bank holding company subsidiary of the out-of-state [New England] bank or bank holding company.

III. The **out-of-state** bank or bank holding company applying for the certificate shall enter into an agreement with the bank commissioner to provide reports and permit examinations of its records and those of each New Hampshire bank or bank holding company with which it proposes to affiliate, to the extent considered necessary by the commissioner.

11 Powers, Rights, and Privileges. Amend RSA 384:48, VII to read as follows:

VII. Notwithstanding any provision of law to the contrary, any out-of-state [New England] bank or bank holding company which affiliates with a New Hampshire bank or bank holding company pursuant to the provisions of this subdivision shall have all the same powers, rights and privileges and shall be subject to all the same duties and restrictions as exist for New Hampshire banks and bank holding companies.

12 Commissioner's Report. Amend RSA 384:55 to read as follows:

384:55 Commissioner's Report. The commissioner shall submit a report to the speaker of the house and the senate president on the status and economic impact of [regional] **interstate** banking on or before January 1, 1989, and biennially on or before January 1 thereafter.

13 Branch Offices. Amend RSA 384-B:2, I and II to read as follows:

I. With the approval of the board, any bank with its principal office within the state of New Hampshire may establish and operate one or more branch offices in any town within the state. The board shall not grant any application for a branch office if the dollar volume of the total deposits, time, savings, and demand of the applicant bank is greater than [15] **20** percent of the dollar volume of the total deposits, time, savings, and demand of all banks, national banks, and federal savings and loan associations in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing the application; nor if the applicant bank is an affiliate of a bank holding company which with all its affiliates then holds a dollar volume of total deposits, time, savings, and demand greater than [15] **20** percent of the dollar volume of total deposits, time, savings, and demand of all banks, national banks, and federal savings and loan associations in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing of the application.

II. With the approval of the board, the resulting bank, after a consolidation as herein defined, may operate as a branch office or offices the business of any other bank acquired in such consolidation, at any location in the same town or towns in which such business was theretofore carried on, wherever in the state such town or towns may be; provided, however, that the dollar volume of the total deposits, time, savings and demand, of the remaining bank at the time of filing its application for such branch office or offices does not exceed [15] **20** percent of the dollar volume of the total deposits, time, savings and demand, of all banks, national banks, and federal sav-

ings and loan associations, in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities available at the time of filing of the application.

14 Bank Holding Company Affiliates. Amend RSA 384-B:3 to read as follows:

384-B:3 Bank Holding Company Affiliates. No bank holding company shall directly or indirectly acquire ownership or control of any voting stock of any bank or national bank, if upon such acquisition (1) the bank holding company would have more than 12 affiliates in this state; or (2) the dollar volume of the total deposits, time, savings and demand, in this state of the bank holding company and all its affiliates would exceed [15] 20 percent of the dollar volume of total deposits, time, savings and demand, in this state of all banks, national banks, and federal savings and loan associations, in this state as determined by the board on the basis of the most recent reports made by such institutions to their supervisory authorities and available at the time of acquisition.

15 New Section; Waiver of Deposit Limitations. Amend RSA 384-B by inserting after section 7 the following new section:

384-B:8 Waiver of Deposit Limitation. In any transaction involving the merger, consolidation or acquisition of any bank, banks, or bank holding company, whenever one or more of such banks or bank holding companies is in such condition that the Federal Deposit Insurance Corporation or any other federal agency having supervisory authority over banks or bank holding companies in New Hampshire could take action which would result in a merger, acquisition, consolidation or other similar structural change, and in the absence of such federal action such a change would be prevented by the provisions of RSA 384-B:2 or RSA 384-B:3, the bank commissioner may waive the 20 percent dollar volume of total deposit limitation in RSA 384-B:2 and RSA 384-B:3. Any such waiver shall be binding upon the board in any proceeding involving the merger, consolidation or acquisition of such bank, banks, or bank holding company.

16 Returns; Foreclosures. Amend RSA 479:26, I to read as follows:

I. The person selling pursuant to the power shall within [30] 60 days after the sale cause the foreclosure deed, a copy of the notice of the sale, and his affidavit setting forth fully and particularly his acts in the premises to be recorded in the registry of deeds in the county where the property is situated; and such affidavit or a duly certified copy of the record thereof shall be evidence on the question whether the power of sale was duly executed.

17 Repeal. The following are repealed:

I. RSA 384:44, VI, relative to the definition of New England.

II. RSA 384:48, I(h), relative to statements of proof.

III. RSA 384:52, II, relative to penalties.
18 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill authorizes building and loan associations or cooperative banks to insure their accounts with the Savings Association Insurance Fund. Current law provides that such accounts may be insured with the Federal Savings and Loan Insurance Corporation.

This bill deletes the requirement that an out-of-state bank or bank holding company have its principal place of business and the majority of its deposits in New England in order to establish or acquire banks in New Hampshire.

The bill allows the bank commissioner to engage in cease and desist proceedings without the concurrence of a federal authority. Notice of such proceedings must still be provided to the appropriate federal authority.

Current law specifies that in order to receive approval for opening a bank branch office or an office of a bank holding company affiliate, the dollar volume of total deposits of the applicant bank shall not exceed 15 percent of the dollar volume of all deposits in the state. This bill increases the percentage limitation to 20 percent. It allows the bank commissioner to waive this limit under certain circumstances.

The bill also increases the time limit within which foreclosure deeds and accompanying documents must be recorded from 30 to 60 days.

Amendment adopted. Ordered to Third Reading.

Senators Preston and Roberge took Rule 42.

SB 308, relative to wildlife guides.

Inexpedient to Legislate. Senator Bond for the committee.

SENATOR BOND: This bill would make it illegal to possess and transport game taken in this State when utilizing an unlicensed guide. It is not necessary at the present time to pass this legislation as present rules and legislation cover the issue. We recommend inexpedient to legislate.

Adopted.

SB 353-FN, requiring state agencies to purchase recycled paper products.

Ought to Pass with Amendment. Senator Bond for the committee.

SENATOR BOND: This bill requires State agencies to purchase recycled paper products and establishes a timetable to reach escalating goals for percentages of recycled paper product purchases. Presently, in the statute, there is a requirement for that but the goal is unrealistic. This bill, as amended, establishes 10 percent content by 1991, 25 percent by 1992 and 40 percent by 1996. These are the goals which the Department of Purchasing says are attainable by the State.

Amendment to SB 353-FN

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Price Preference in Competitive Bidding; Recycled Paper Products. Amend RSA 21-I:11 by inserting after paragraph III the following new paragraph:

III-a.(a) Granting a 5 percent purchase price preference to a vendor bidding on a contract for the supply of paper products to a state agency whose product contains at least the following percentages of recycled paper:

- (1) 10 percent by June, 1991;
- (2) 25 percent by June, 1992; and
- (3) 40 percent by June, 1996.

(b) If such vendor's bid price is within 5 percent of the lowest bid or price quoted for non-recycled paper, the director shall award the contract to such vendor of recycled paper products.

Amend the bill by replacing all after section 3 with the following:

4 Reference Deletion. Amend RSA 21-I:1-a, V to read as follows:

V. "Recycled products" means any product or material that is primarily made from post consumer recycled waste material. [Recycled paper products are paper products which have at least 50 percent recycled fiber content from post consumer recycled waste material.]

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires state agencies to purchase a certain amount of recycled paper products, and establishes a timetable to reach escalating goals for percentages of recycled paper product purchases. The bill also requires the director of plant and property management to give a 5 percent purchase price preference to a vendor bidding on a contract for paper products, when the vendor uses recycled paper in accordance with the timetable.

Funds received from state agencies for the sale of recyclable materials are deposited into a special fund. The fund is to be used to reimburse the department for price preference differentials and for state agency recycling programs.

Amendment adopted. Ordered to Third Reading.

SB 364-FN, relative to the sale of fish and game licenses.

Inexpedient to Legislate. Senator Bond for the committee.

SENATOR BOND: The committee found that this bill, which would provide agent's fees at a rate of 10 percent of the face value of the licenses sold, would have too strong an economic impact on the Fish and Game Department. In fact, testimony came from the Fish and Game Director that a House Bill is coming through that will adjust the amount of an agent's fee, but will not have as much an impact. We recommend inexpedient to legislate.

Adopted.

SB 334-FN, allowing the town of Ellsworth to establish a school district.

Ought to Pass. Senator Magee for the committee.

SENATOR MAGEE: This bill allows the town of Ellsworth (tape inaudible) Basically, it is a technical correction.

Adopted. Ordered to Third Reading.

SB 355-FN, relative to regional vocational education.

Ought to Pass. Senator Disnard for the committee.

SENATOR DISNARD: The first part of this bill is a housekeeping bill. It accommodates changing federal regulations. However, another part of this bill, I think you should be aware, is that presently school districts in various departments, but in this instance, vocational education must submit reports on time in order to receive reimbursements. The State has not had the authority to penalize any school district that hasn't submitted its reports in a reasonable time after due warning and the other school districts monies in reimbursements are held up sometimes 6 or 8 months. The one part of this bill says that if a school district does not submit its reports in a timely manner, then they will not receive any reimbursement. I think that this is something that is due within our department. I commend the Department of Education for that. Another section says school districts will receive their money once on an annual basis in December rather than a semi-annual, twice a year. You understand that they get reimbursed for the previous year.

Adopted. Ordered to Third Reading.

SCR 1, requesting the teaching of the nation's founding and related documents in New Hampshire public high schools.

Ought to Pass with Amendment. Senator Magee for the committee.

SENATOR MAGEE: This concurrent resolution offered by Senator Heath requests that the history of the nation's founding and related documents be taught in New Hampshire's public high schools. I was not aware of the severity of the problem with the education regarding our constitution until I was directly involved in the constitutional committee in Nashua and my involvement in national exchange clubs which has various programs dealing with the constitution and our flag, and so forth. One of the gentlemen who Senator Heath brought in to testify had a packet which will be available for all the Senators within a very short period of time. I apologize for not having it this morning. A couple of facts that I wanted to bring up that were cited in the Hersch report was that the majority of Americans, basically 54 percent, know the purpose of the original constitution was to create a federal government. One in four incorrectly says that the constitution's purpose was to declare the independence from England. Eighty percent of Americans believe that phrase "all men are created equal" is in the constitution when in fact it is in the Declaration of Independence. This goes on and on, and the most overwhelming fact that I found interesting is a quote "from each according to his ability to each according to his need" which is a Marxist quote and 45 percent of the people believe that it is in our constitution. I would like to thank Senator Heath for offering this resolution.

SENATOR JOHNSON: Senator Magee, is this an admission that this important information is not now being taught in New Hampshire public schools?

SENATOR MAGEE: It is an admission that it may not be taught in some schools.

SENATOR HEATH: I just wanted to briefly say this. I don't know how many times before your committee you have people talk about a piece of legislation that is before one of our committees being unconstitutional. I always ask the question which constitution, is there an objection to it? And they look at me as if there is only one constitution. Well, we operate under two, the state and the federal. Then I ask them which clause of the constitution and they often go blank on that. I think that we have a constitutional illiteracy, if you will, and I think that is an indictment, to a certain extent, on our school system.

Most of the people who testify before us have experienced some of our school systems and haven't gained in this matter. It is a resolution, rather than a mandate because of our own constitutional prohibition of unfunded mandates. But I hope that it will be taken seriously. It is not an apple pie, motherhood and flag bill. It was not intended to be that, even though I appreciate the support. It is intended that our school systems take it seriously, that they take from it a correction of course, if that shoe fits that particular school district. I think it is most important in a time when countries in crisis in Eastern Europe are looking for a new form of government that at least the people in our country understand what makes this country and this State successful. And that is the intent of the legislation.

Amendment to SCR 1

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

requesting the teaching of the founding of the state
and the nation and related documents in
New Hampshire public high schools.

Amend the resolution by replacing all after the title with the following:

Whereas, the adoption of the Declaration of Independence in 1776 and of the Bill of Rights were principal events in the history of the United States, the Declaration of Independence providing the philosophical foundation on which this nation rests and the first 10 amendments to the Constitution of the United States and the Bill of Rights providing a statement of the fundamental rights of the people; and

Whereas, the Federalist Papers embody the most eloquent and forceful argument made in support of the adoption of our republican form of government; and

Whereas, the New Hampshire Constitution lays the foundation for our own state government and eloquently testifies to our own special New Hampshire values; and

Whereas, these documents stand as the foundation of our form of democracy providing at the same time the touchstone of our national and state identity and the vehicle for orderly growth and change; and

Whereas, many Americans lack even the most basic knowledge and understanding about the history of our nation and the principles set forth in the Declaration of Independence, codified in the Bill of Rights and defended in the Federalist Papers; and

Whereas, many New Hampshire citizens are unaware of the importance and magnitude of our state constitution; and

Whereas, the survival of the republic requires that our nation's children, the future guardians of its heritage and participants in its governance, have a firm knowledge and understanding of its principles and history; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That local school district boards are urged to require the teaching of the founding of the state and the nation and related documents during the high school years which shall include at least the major principles in the New Hampshire Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers; and

That local school district boards are urged to require that high school students demonstrate a level of knowledge and understanding of the New Hampshire Constitution and the nation's founding and related documents as determined by the local school boards in order to graduate from high school; and

That local school district boards are urged to include among requirements for graduation a passing grade in all courses which include primary emphasis on the instruction of the New Hampshire Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers; and

That local school district boards are urged to call for the requirement that any curriculum-based tests developed and administered statewide beginning with academic year 1991-92 include questions related to the New Hampshire Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers; and

That the local school district boards are urged to establish curriculum content and provide for teacher training to ensure that the intent and provisions of this concurrent resolution are carried out. Such curriculum content should include a review of the contributions made by Americans of all races and cultures during the period in which our nation was founded; and

That a suitable copy of this resolution be presented to the governor; the secretary of state; the commissioner, department of education; the chairman, state board of education; and to each of the chairmen of the local school district boards.

AMENDED ANALYSIS

This concurrent resolution requests that the history of the founding of the state and the nation and related documents be taught in New Hampshire's public high schools.

Amendment adopted. Ordered to Third Reading.

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages.

Ought to Pass. Senator Disnard for the committee.

SENATOR DISNARD: I am happy to indicate that the Executive Departments voted unanimously to this very important bill. What this bill does is re-institute into the liquor department the authorization that there will be no interference with the stocking of the goods within the stores without their permission.

SENATOR NELSON: Senator Disnard, what does it mean by no interference, by whom?

SENATOR DISNARD: Vendors. It appears that evidently the employees in some of our liquor stores do not feel comfortable with the lack of a rule which was eliminated by mistake. They did not have any enforcement powers when some representative of a beverage company or distiller could go into the store and begin to move things around. They wanted some enforcement which they had before. Something with some teeth in it.

Adopted. Ordered to Third Reading.

SB 380, establishing a procedure for including additional natural science practitioners under the board of natural scientists.

Ought to Pass with Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: SB 380 establishes a procedure for including additional natural science practitioners under the Board of Natural Scientists. Everyone we heard from agreed that this was not the bill that they thought it would be. Therefore the amendment will form a study committee to see if an agreed bill can be brought to fruition next session. The sponsor, Senator Roberge, and interested parties have requested this and agreed to work in that direction.

Amendment to SB 380

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the modification of the board
of natural scientists to include geologists and
other natural scientists.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is hereby established a committee to study the modification of the board of natural scientists to include geologists and other natural scientists. The committee shall comprise the following:

I. The 4-member executive committee of the joint board of engineers, architects, land surveyors, and natural scientists, the chairman of which shall serve as chairman of this committee.

II. One representative of the New Hampshire Association of Consulting Soil Scientists, appointed by the Association.

III. One person representing consulting geologists, appointed by the New Hampshire Association of Professional Geologists.

IV. One representative of non-consulting geology interests, such as the teaching profession or state or federal service, appointed by the state geologist.

V. One representative of the Consulting Engineers of New Hampshire, appointed by such organization.

2 Duties. The committee shall establish procedures to modify the board of natural scientists to include the discipline of geology and explore the appropriateness of also including other natural science disciplines such as forestry and wetland science. If the study committee concludes that the latter 2 disciplines are not appropriate for inclusion under the jurisdiction of the board of natural scientists or the practitioners of these disciplines do not wish to be included, then the committee shall consider provisions for changing the board of natural scientists to the board of soil scientists and geologists should legislation requiring the licensure of geologists be enacted at some future date.

3 Report. The committee shall report its findings and recommendations for legislation to the governor and council, senate president and speaker of the house on or before December 1, 1990.

4 Compensation. Members of the committee shall serve without compensation.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the possibility of modifying the board of natural scientists to include geologists and other natural scientists. The committee is to report its findings and recommendations for legislation by December 1, 1990.

Amendment adopted. Ordered to Third Reading.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system.

Ought to Pass with Amendment. Senator Freese for the committee.

SENATOR FREESE: SB 377-FN was introduced by Senator Delahunty. It simply allows group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system. We did the same thing with the teachers last year. It really is enabling legislation in that it will be used primarily as a recruitment tool and will cost the State nothing. The State has had problems finding qualified officers to fill the needs of municipalities and it is felt that this will help. If you are, or become a member of the group II retirement system and come to New Hampshire from out-of-state, you will be allowed to purchase in whole or in part New Hampshire retirement system for the time that you spent in a similar position outside the State. But you have to buy your way into that system by taking the credit that you had from the other system that you have withdrawn and any other expense that is involved with the actuary. The applicant will bear the full cost of the actuarial study. The retirement system assures us that this bill will be a wash, in other words, it will not cost the State or municipalities or the retirement system anything. The amendment is on page 7 and merely cleans up some of the language. As we discussed the bill there were some ambiguities and this cleans those up and makes everything absolutely clear as to what we are doing. Nobody spoke against the bill.

SENATOR DISNARD: Senator Freese, you made a statement that makes me nervous. Perhaps I misread it. You used the phrase in whole or in part. I noticed when you said that, I hurriedly tried to find the limit of years. This may be an unfair question. Is there a limit in the number of years that out-of-state persons coming into the State?

SENATOR FREESE: No, let me explain that to you, Senator Disnard. A candidate for a job in this State that has so much credit in another State towards his retirement can take that retirement

money and transfer it to this State. But it may not fulfill the total need the actuarial comes up with. And he has to put more money in, in order to bring it up to what is needed to match his past retirement and to get into the new system without losing any credit.

SENATOR DISNARD: I guess I am not understanding. Let me rephrase the question. Is there a limit in the number of years someone coming into group II can buy into the New Hampshire retirement system?

SENATOR FREESE: The retirement systems in Massachusetts, New Hampshire and somewhere else would vary. And if he comes into the State and can't meet the criteria of the New Hampshire system and only takes the money that was from the old retirement and puts it in here, he may not have the credits that he would ordinarily need to have a full retirement.

SENATOR DISNARD: I understand that, but he may have 15 years service to buy in New Hampshire and he could work 20 then retire and get 50 percent pay. Could that person buy in 15 years and only work 5 years?

SENATOR FREESE: He has to buy in whatever he feels he wants to create for retirement at the end of time that he has in New Hampshire to fulfill that retirement. He has a choice.

SENATOR DELAHUNTY: I think the question was, can he buy in as much as he wants to buy in and I think the answer is that if he has the service and the funds that he can buy in at any point for a period as he qualifies for and has the funds for.

SENATOR FREESE: According to the actuarial figures, he can buy in whatever that actuarial says he would have to make up if he wants to get into the system. But if he wants to put less in, he will get less out in the end.

SENATOR DELAHUNTY: But the question remains, how much can he buy in for any amount of time. And I think the answer is that he can buy in for the length of time and the amount of funding that he has available to buy into it.

Amendment to SB 377-FN

Amend RSA 100-A:4-c, I as inserted by section 1 of the bill by replacing it with the following:

100-A:4-c Creditable Service for Former Out-of-State Personnel.

I. Notwithstanding any provision of RSA 100-A to the contrary, any active group II member who transferred into the New Hampshire retirement system as an active member of a state retirement

system of another state, or as an active member of the retirement system of a political subdivision of another state, shall be allowed to purchase their out-of-state service as creditable service in the New Hampshire retirement system. Group II members under this section may purchase the full prior out-of-state service, or a pro rata portion of service equal to the amount of money withdrawn from the prior system upon payment of the amount determined by the actuary on a full reserve funding basis for the New Hampshire retirement system.

AMENDED ANALYSIS

This bill allows any group II member who transferred into the New Hampshire retirement system as an active member of another state's retirement system, or as an active member of the retirement system of a political subdivision of another state, to purchase their out-of-state service as creditable service in the New Hampshire retirement system.

Amendment adopted. Ordered to Third Reading.

SB 403-FN, relative to a health insurance risk pool for uninsurables.

Ought to Pass with Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: SB 403 is relative to a health insurance risk pool for uninsurables. There is a group of people in the State that are called uninsurables. These are people, who primarily because of pre-existing conditions, can not obtain health insurance no matter how much they are willing to pay for it. Because Blue Cross/Blue Shield is a creature of the legislature, that is why they were created by and are much more closely monitored, than a commercial insurance company, they are also considered a court of last resort. Up until 18 months ago, these people who could not obtain health insurance anywhere else, could purchase health insurance from Blue Cross/Blue Shield. Now however, Blue Cross/Blue Shield has cancelled this service. This bill was patterned after the State of Maine and was set up to have the hospitals fund the expense and because of the major outcry from the hospitals, the funding mechanism which we felt was unfair, we wanted to send the bill to study to see if we could find a better funding mechanism to support the cause.

SENATOR MCLANE: Could you tell me while the committee is studying, will Blue Cross/Blue Shield continue the uninsurable insurance or are they in a state of limbo until such time as the committee reports?

SENATOR DELAHUNTY: I am not sure. I am going to find the answer for you. I think there are from 5,000 to 7,500 people involved. My information is that they are presently without insurance. But this is going to be a serious commitment to try to find a way to fund the program.

SENATOR NELSON: Senator Delahanty, I heard say that there is going to be a study committee. Are these same people who are telling you there are problems willing to work with you? Are they going to sit down at the table to help solve this problem, which is not only a problem in New Hampshire, but in the United States as a whole? Are those same people, who came in crying with outcries and outrage, going to sit with you and try to make it better at the study?

SENATOR DELAHUNTY: Yes, Senator. The Hospital Association is very willing to sit down as long as they are not required to fund the entire 100 percent, I think they are very happy to do this, along with the Mental Health society and a few others.

Amendment to SB 403-FN

Amend the title of the bill to read as follows:

AN ACT

establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the problem of uninsurables in the state of New Hampshire and the possibility of establishing a comprehensive risk pool for the uninsurables in the state.

2 Committee Membership. The committee shall be comprised of the following:

I. One member of the senate, appointed by the senate president.

II. One member of the house of representatives, appointed by the speaker of the house.

III. The insurance commissioner; or designee.

IV. One member of the public, appointed by the governor.

V. One representative from New Hampshire Blue Cross and Blue Shield, appointed by such organization.

VI. One representative of a New Hampshire health maintenance organization, appointed by the insurance commissioner.

VII. One representative of a commercial insurance carrier, appointed by such organization.

VIII. One representative of a commercial insurance carrier, appointed by the insurance commissioner.

IX. One New Hampshire insurance agent, appointed by the insurance commissioner.

3 Meetings. All members shall be appointed and the first meeting shall take place within 30 days after the effective date of this act. At the first meeting the members shall elect a chairman. All subsequent meetings shall be at the call of the chairman.

4 Report. The committee shall report its findings and recommendations to the speaker of the house and the president of the senate on or before December 1, 1990.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill creates a committee to study the feasibility of establishing a comprehensive risk pool for uninsurables in New Hampshire.

Amendment adopted. Ordered to Third Reading.

SB 318, to change the county commissioner districts in Hillsborough county.

Inexpedient to Legislate. Senator St. Jean for the committee.

SENATOR ST. JEAN: Internal Affairs met on this piece of legislation and it was our feeling that the district lines the way they are set up are appropriate right now.

Adopted.

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies.

Ought to Pass with Amendment. Senator Preston for the committee.

SENATOR PRESTON: SB 360 was intended to clarify the authority of the New Hampshire Public Utilities Commission over acquisitions of New Hampshire public utility companies. The current statute has been in effect since 1911. This would require out-of-state holding companies and utilities who come in to acquire New Hampshire public utilities to come under the scrutiny of the Public Utilities process. Under the current law, such a change in control could happen if the public utility in question is a subsidiary of a public utility holding company and the holding company itself is being acquired. This is really a good move and it is sponsored by Senator Dupont and myself, and Representatives Vartanian and Chambers, so it must be a good bill.

SENATOR DUPONT: Since the time the committee worked on this piece of legislation, we have had an agreement that deals with the issue of time that has been worked out so that it doesn't have to be in the legislation. What Senator Preston referred to is a specific situation that is happening in the State at the present time. The parties have agreed to a time limit that falls in line with the 150 days. The PUC is concerned that when we put this 150 day limit in it, their hands are tied if they come up with another situation that would require more than 150 days for them to deal with it. So I would like, at this point in time, to urge the Senate to defeat the committee amendment, and after the committee amendment is defeated, I will be presenting a floor amendment that goes back to the original bill. So I would urge you to vote no on the committee amendment.

Committee amendment failed.

Senator Dupont offered a Floor Amendment to SB 360.

SENATOR DUPONT: As I indicated earlier, all the amendment does is make the original bill effective upon passage.

SENATOR NELSON: I just want to get a clarification. Senator Dupont, why was the bill introduced?

SENATOR DUPONT: There is some history that is involved in this legislation. The PUC has the authority to totally review utility operations in this State. They, basically, can delve into any issue that relates to a utility's operation in the State. In recent years, as utilities have formed holding companies, those holding companies might have operations that are non-utilities. The utilities, and the holding companies in particular, have objected to the PUC getting involved and reviewing the operations of the holding company because the holding company is not regulated by the PUC, just their utility division. In a situation a few years ago that involved a New Hampshire utility, the PUC did in fact review the holding company's management and went through and did a whole review of that, but they did it under protest. The holding company felt that they should not comply because the holding company was not a regulated industry. What this does is it clarifies the PUC's ability to look at the holding company. You could say, why is it important? It is important, because if the holding company engages in activities that aren't in the best interest of the utility's division, it could potentially affect the ability of the utility to meet its charge to the consumers in the State.

SENATOR NELSON: PUC is to regulate the authority of the public utility. Now what you want to do is pull in the holding company under this auspices? I want the best for the State, but is government

getting a little intrusive now into a part of a company that does not have anything to do with that company?

SENATOR DUPONT: I think I stand for less regulation, and in this particular case, let me just give you an example. One of the major utilities in Arizona formed a holding company and went out and bought a savings and loan association which is now having severe financial problems. What you need to look at and what you need to focus on is that those other activities ultimately are going to impact whether or not that utility can go out and raise money to extend electric lines or put in gas lines or whatever it is charged with. PUC does not want to run the holding company. All they want to make sure is that the management of this company is, in fact, competent to operate the utility that it is acquiring.

SENATOR NELSON: Senator Dupont, you cited Arizona as an example as a case in point. Could you cite a problem in the State of New Hampshire or do you feel that it could become a problem or has been a problem?

SENATOR DUPONT: Senator Nelson, there is an issue right now going on with Unitel Corporation which is involved in a hostile takeover by an out-of-state holding company. I would only say that if you want the basis for this, if you want to just put another example in front of you. Northeast Utilities came in and acquired PSNH and negotiations to acquire were done by the holding company, not the utilities. So the holding company can represent the utility's interest within its own company. It goes beyond that because the PUC has been worried about their ability to look at the holding company structure since it has been challenged and this clarifies it.

Floor Amendment to SB 360

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Floor amendment adopted. Ordered to Third Reading.

Senator Nelson wished to be recorded as opposed to the decision.

SB 411-FN, to establish a committee to study the economic impact of state-mandated programs on municipalities, school districts, and counties.

Inexpedient to Legislate. Senator St. Jean for the committee.

SENATOR ST. JEAN: It was the feeling of the Internal Affairs committee that there are enough study committees within the legislature and studying a variety of things. We decided that this was one too many and we favored killing this piece of legislation.

Adopted.

SB 336, relative to the statute of limitations on prosecutions for bad checks.

Ought to Pass with Amendment. Senator Bass for the committee.

SENATOR BASS: This bill basically increases the statute of limitation for the prosecution of bad checks from 3 months to 6 months. You may recall that last year we reduced the penalty for bad checks from misdemeanor to a violation. The problem is the statute of limitation for violation is 3 months. In the case of bad checks, it is very difficult for the proper procedure to occur in which the payee has an opportunity to resubmit the check and give the person who writes the check ample opportunity to come up with the funds. Under the circumstances, if we extend the statute to six months, it will make it easier on those individuals who write the bad checks and give them an opportunity to come up with the money. It was supported by the merchants who also feel the six months was an adequate length of time to allow the process to run its course. I urge the adoption of the committee report.

Amendment to SB 336

Amend RSA 625:8, II-a as inserted by section 2 of the bill by replacing it with the following:

II-a. The statute of limitations on prosecutions for bad checks under RSA 638:4, IV(a)(3) shall be 6 months.

Amendment adopted. Ordered to Third Reading.

SB 389, relative to non-privileged communications in marital mediation proceedings.

Ought to Pass with Amendment. Senator Podles for the committee.

SENATOR PODLES: SB 389 provides that no certified marital mediator shall be subpoenaed to disclose information received from a client unless the mediator has received material information alleging child abuse or sexual abuse or neglect. This changes the current law which reads "confirming or proving such abuse or neglect." The amendment changes the effective date to sixty days after passage.

Amendment to SB 389

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

SB 410-FN, relative to display of materials which are harmful to minors.

Ought to Pass with Amendment. Senator Bass for the committee.

SENATOR BASS: This bill basically prohibits the overt display of pornographic material in areas where minors are liable to be wandering around unsupervised. The committee went over the legislation extremely carefully to insure that there would be no potential for abridgment of the constitutional rights of free speech and so forth. It is really overdue in this State. We have a lot of establishments around here, such as video stores and so forth, where there are situations that may be offensive to parents and all this bill does is assure that those materials will be properly concealed from view of minors. We urge the Senate to adopt the committee amendment.

Amendment to SB 410-FN

Amend RSA 650:2-a, I as inserted by section 1 of the bill by replacing it with the following:

I. No person, having custody, control, or supervision of any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do any of the following:

(a) Visibly display, exhibit, or otherwise expose to view in that part of the premises where a minor is or may be allowed, permitted, or invited as part of the general public or otherwise, all or any part of any book, magazine, newspaper, video, or film which is harmful to minors.

(b) Visibly display, exhibit, or otherwise expose to view all or any part of such material which is harmful to minors in any business or commercial establishment where minors, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material.

(c) Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any minor under circumstances which would cause, lead, or allow such minor to engage in the business or activity of promoting or selling material which is harmful to minors, either to or for adults or minors.

Amend RSA 650:2-a as inserted by section 1 of the bill by replacing all after paragraph IV with the following:

V. The provisions of this section shall not apply to schools or museums.

VI. Any person who violates this section shall be guilty of a misdemeanor.

AMENDED ANALYSIS

This bill makes it a misdemeanor for an owner of a business or commercial establishment or premises to display materials defined as "harmful to minors" or to allow a minor employed by him or under his supervision to promote or sell such materials.

Amendment adopted.

Senator Roberge offered a floor amendment.

SENATOR ROBERGE: All the amendment does is on paragraph 8, change video or film to video cassette package which is harmful to minors. It was our intention that we wanted the packages that were offensive covered.

SENATOR JOHNSON: Senator Roberge, I just want to make sure I understand this. I understand the thrust of the bill, but is it possible that a minor could nonetheless purchase or rent the very materials that are being included from open display?

SENATOR ROBERGE: They are not supposed to be displayed where a minor could see them. That was the thrust of this bill. Either covered by some kind of opaque material or a brown paper cover or some type of situation where they can not be seen.

SENATOR JOHNSON: But could the minor still come in and buy or rent the covered material?

SENATOR ROBERGE: They can't legally now. This bill won't allow minors to sell it.

SENATOR JOHNSON: But isn't it true, Senator Roberge, that only a year or two ago that there was a bill that was going to deal with pornographic materials, particularly video cassettes, that was defeated. So I guess I am really wondering if it is indeed, illegal for this material to be sold to a minor?

SENATOR ROBERGE: We are not dealing with minors buying, we are dealing with only display. However, a minor can not sell. That is all this bill does.

SENATOR JOHNSON: But, isn't it true though that in the final analysis that we are saying it can't be displayed but the minor could nevertheless come in and rent or buy it?

SENATOR ROBERGE: I think you would have to refer to our legal counsel to decide that.

Floor Amendment to SB 410-FN

Amend RSA 650:2-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Visibly display, exhibit, or otherwise expose to view in that part of the premises where a minor is or may be allowed, permitted, or invited as part of the general public or otherwise, all or any part of any book, magazine, newspaper, or video cassette package which is harmful to minors.

Amendment adopted. Ordered to Third Reading.

SB 332, relative to electing zoning board of adjustment members.

Ought to Pass with Amendment. Senator Bass for the committee.

SENATOR BASS: This bill enables municipalities to vote to either appoint or elect ZBA and Building Code Board of Appeals members. It was a bill that has been worked on by the committee off and on for the last year and a half. It was supported by the New Hampshire Municipal Association. It is enabling legislation only. We urge the Senate's concurrence with the committee amendment and also final passage.

Amendment to SB 332

Amend the bill by replacing section 1 with the following:

1 Electing Zoning Board of Adjustment. RSA 673:3 is repealed and reenacted to read as follows:

673:3 Zoning Board of Adjustment and Building Code Board of Appeals.

I. The zoning board of adjustment shall consist of 5 members. The members of the board shall either be elected in the manner prescribed by RSA 669, or appointed in a manner prescribed by the local legislative body. Each member of the board shall be a resident of the municipality in order to be appointed or elected.

II. Zoning board of adjustment members who are elected shall be elected for the term provided under RSA 673:5, II. The terms of appointed members of zoning boards of adjustment in municipalities in office on the effective date of an affirmative decision to elect such board members shall not be affected by the decision. However, when

the term of each member expires, each new member shall be elected at the next regular municipal election for the term provided under RSA 673:5, II.

III. A local legislative body which has provided for the election of zoning board of adjustment members may rescind that action, in which event members shall thereafter be appointed in a manner prescribed by the local legislative body. The elected board shall, however, continue in existence, and the elected members in office may continue to serve until their successors are appointed and qualified.

IV. The building code board of appeals shall consist of 3 or 5 members who shall be appointed in a manner prescribed by the local legislative body; provided, however, that an elected zoning board of adjustment may act as the building code board of appeals pursuant to RSA 673:1, V. Each member of the board shall be a resident of the municipality in order to be appointed.

Amendment adopted. Ordered to Third Reading.

SCR 2, urging that Fast Day be treated as "I Love New Hampshire Day".

Inexpedient to Legislate. Senator Bass for the committee.

SENATOR BASS: The committee voted inexpedient to legislate on this particular resolution because it came to their attention that there are other issues involved in the ultimate treatment of Fast Day as a holiday that may or may not be adequately addressed by this piece of legislation. The whole issue ought to be dealt with at a later time and disposed of in that fashion.

SENATOR MCLANE: I am sorry that I wasn't there for the hearing, but I did have a couple of questions. First of all, was there any discussion at the hearing about the fact that Fast Day, because it is out of sync with the whole rest of the country, made it a difficult holiday to celebrate because of the fact that all other businesses that have any national significance are having business on that day?

SENATOR BASS: No, Senator McLane, there was no discussion on that particular matter. The only opposition that we had in the committee hearing from the public was a group that felt that Fast Day ought to be made Martin Luther King's birthday. For that reason, the committee realized that there was a much larger issue that was involved here, and that it wasn't really the intent of the sponsors to create an issue of that scope through this piece of legislation, so the committee elected to essentially defer. But the question of whether

Fast Day is out of sync was not really addressed by the legislation nor the committee.

Adopted.

HB 575-FN, relative to campaign financing.

Ought to Pass with Amendment. Senator Bass for the committee.

SENATOR BASS: HB 575 is a bill that makes technical changes in the campaign spending limitation law that we passed last year. They were recommendations that were made by the Ad Hoc committee that was created by the legislation last year. The three changes that it makes to the original bill itself is a small increase in the legislative limitation, it adds a member from the Governor's office to the advisory committee; it reinstates the penalty provision that you may have read about that was inadvertently eliminated in the last piece of legislation; and it allows for a candidate who has not voluntarily agreed to limit expenditures to either have petitions filled out or to pay the filing fee rather than both, which was thought to be a little bit cumbersome. The amendment is of significance in that it is word for word the bill that I brought before this body a couple weeks ago which makes significant changes to the campaign spending law. But it is the same bill that we had two weeks ago. There is a strong feeling on the part of all of us who have been involved in this issue that it is important to make the changes we are going to make in 1990 at the very beginning of the cycle and not wait for the legislature to take my bill through the process. We will send it to the House and there will be a committee of conference and we will try and get these changes enacted as soon as possible. I urge your adoption of the committee amendment and the committee report.

SENATOR ROBERGE: Senator Bass, if initially, you decided to pay the fee and then you don't spend up to the amount, do you get your filling fee back?

SENATOR BASS: Senator Roberge, I checked into that and there is nothing that allows for you to get your filing fee back at a later date.

SENATOR ROBERGE: Senator Bass, don't you think that would be more fair, to get your filing fee back, if in fact you do finally comply?

SENATOR BASS: I don't know, Senator Roberge, I thought about it and I discussed with others. It is an interesting concept but basically, I think for purposes of planning a campaign, if you agree to abide by the spending limitation, you should agree to do so at the appropriate time. To pay the filing fee and then somehow get it back

after the fact, to some extent would be sort of a cop-out because you would be able to have your cake and eat it, too, and it wouldn't be putting your position in respect to the issue up front and in a forthright fashion. I agree, Senator Roberge, that it is an interesting idea. But, it was not incorporated in the original bill.

SENATOR DISNARD: Senator Bass, was it considered by the committee which you were associated with that there are some districts with eight radio stations and in other districts there is one radio station and that in a similar district that has eight radio stations also has six newspapers, so that particular candidate would have extraordinary costs compared to another. Was that ever taken into consideration, the weight of the news media or the news coverage that one might have to have that another candidate might not experience?

SENATOR BASS: Senator Disnard, yes, it certainly was. In fact, we called in representatives from both the televised media and the newspaper. They gave us information as to what they thought costs were going to be next year or this year as opposed to two years ago. The numbers that we selected as limitations are in all instances in excess of what was expended in the most expensive race in that particular field two years ago. So, even given the fact that one district may be more costly for one candidate to succeed in one district than in another, which I personally would rather doubt, because there are other ways to spend money other than media, television or radio. The fact is that even the most expensive campaign would be adequately addressed by this limitation, if the candidate chose to abide by this limitation, which is, incidentally, voluntary.

SENATOR ROBERGE: Senator Bass, would you agree with me that the campaign spending law gives the incumbent an edge over a newcomer, someone who already has the benefit of the publicity and the fact that they can go out and speak by virtue of their title?

SENATOR BASS: Senator Roberge, you are talking about the new law. I would say that it cuts in both directions. I would answer that three different ways. First of all, New Hampshire had a campaign spending limitation law on the books that is quite a bit more stringent than this one for a period of about 60 years. And during that period of time, plenty of incumbents were defeated and challengers won. The fact is some incumbents think it is an incumbents' bill because it keeps them in office for the reasons that you state but also remember that it is also the incumbents that have access to vast amounts of money that challengers may not have access to. So as a result, the advantage that an incumbent would have in fund raising would be made more equivalent. So the fact is, what it really does is

level the playing field to some extent. The incumbents have an advantage one way, but both incumbent and challenger agree to abide by limitations. The amount of money that you can spend would be made more equivalent.

SENATOR ROBERGE: I guess what I am saying, Senator Bass, is the fact that an incumbent can get publicity without having to pay for it by virtue of the fact that they already hold the office?

SENATOR BASS: That is very true. But that has always been the case. Nothing has changed in that respect in 50 years. Also, there is a typo in the fiscal note. The committee adopted the proper fiscal note. The Secretary of State has determined that this particular piece of legislation will have no adverse impact, contrary to what you see there.

SENATOR MCLANE: We have already passed a campaign finance law and this merely fine tunes, updates and clarifies. Is that correct?

SENATOR BASS: That is correct. In fact, this piece of legislation, the amendment that you have before you today, is the same as the bill that we passed two weeks ago. If you recall my comments related to that, the same apply to this amendment. There is nothing significantly different except for the content of 575 which I went over at the beginning of my report.

SENATOR MCLANE: Senator Bass, would you believe that as someone who ran against you in Congress in 1980 and you were the big spender, I would congratulate you on the excellent job that you have done in developing, and carrying to conclusion this bill?

SENATOR BASS: Thank you, Senator McLane. I am aware of that particular instance. I have tried to forget that wonderful summer of 1980 and all the other problems associated with it both financially and otherwise. But the fact is, Senator McLane, that at that time I recognized that campaign spending was on the verge of getting out of control. And I was not disappointed, because the amounts of money that were spent in 1980 were less than a quarter of what the ante is now in a primary.

SENATOR MAGEE: Senator Bass, I take it you are denying the fact that you are a big spender?

SENATOR BASS: Absolutely, Senator Magee, I think in many instances near the end of a campaign, candidates have a tendency to over estimate what their opponents are spending and they also have tendency to feel that they have to throw in that last little dollar to be

successful. I think that is bad decision making and campaigns should cost less, not more. And I certainly appreciate your comment in that respect.

SENATOR HEATH: Senator Bass, can you tell me why there is so much concern on your part and others on spending when it comes to voluntarily giving money to a candidate and then voluntarily spending it, as opposed to the spending that we do as a taxpayer who is involuntarily relieved of his money. There doesn't seem to be that same concern. I am wondering what is going on?

SENATOR BASS: Senator Heath, I share your concern about involuntarily spending tax payers money. However, that issue is deliberated and decided upon by constitutionally elected officials. In the case of campaign spending, it is done by high paid, overpaid media advertisers, people who con you into spending a lot more money than is really necessary. The fact is, in the end, the special interest groups and political action committees end up controlling the political process and the people who get elected. That is not the way it should be, Senator.

SENATOR HEATH: Are you saying that you were controlled by a media consultant?

SENATOR BASS: No, because I wasn't lucky enough to get political action committee money. And the media consultants that I had were not good enough to control me.

Amendment to HB 575-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to campaign financing and relative to reporting
requirements for political committees.

Amend the bill by replacing section 5 with the following:

5 Increasing Political Expenditures for Candidates; Expenditure Limitation Waived; Exceptions. RSA 664:5-b is repealed and reenacted to read as follows:

664:5-b Political Expenditure Limitation Amounts.

I. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

(a) For governor and United States senator:

(1) \$500,000 in a state primary election.

(2) \$500,000 in a state general election.

(b) For representative to Congress:

- (1) \$250,000 in a state primary election.
- (2) \$250,000 in a state general election.

(c) For executive council:

- (1) \$35,000 in a state primary election.
- (2) \$35,000 in a state general election.

(d) For state senate:

- (1) \$15,000 in a state primary election.
- (2) \$15,000 in a state general election.

(e) For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(1) \$.35 per registered voter in the district or the county in a state primary election.

(2) \$.35 per registered voter in the district or the county in a state general election.

II. The political expenditure limitations under this section shall not apply, and a candidate shall not be required to limit his campaign expenditures and those made on his behalf under RSA 664:5-a, when a political committee has made independent expenditures in the aggregate in excess of the expenditures allowed under RSA 664:5, V and VI in support of or to oppose his candidacy. The secretary of state shall notify a candidate that the political expenditure limitations under this section shall not apply upon the presentation of evidence by a candidate to the secretary of state and following a review by the secretary of state that the provisions of RSA 664:5, V and VI have been violated.

Amend the bill by replacing sections 9 and 10 with the following:

9 New Paragraph; General Penalty for Violation of Election Laws. Amend RSA 664:21 by inserting after paragraph III the following new paragraph:

IV. In addition to being subject to the fine schedule listed in paragraph I, any person who violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or be guilty of a felony if any other person.

V. The provisions of paragraph IV shall not apply to a violation of RSA 664:5, V, and VI. The only provisions which shall apply to a violation of RSA 664:5, V and VI shall be those provisions in RSA 664:5-a and 5-b which waive the limitations on campaign expenditures and political expenditure limitations.

10 New Paragraph; Independent Expenditures Defined. Amend RSA 664:2 by inserting after paragraph X the following new paragraph:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity expressly advocating the election or defeat of a clearly identified candidate which are made

without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

11 Reference to Independent Expenditures. Amend RSA 664:3, I is repealed and reenacted to read as follows:

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. Any political committee shall register with the secretary of state not later than the Wednesday 3 weeks immediately preceding any primary election. The registration shall be accompanied by a fee of \$50. Prior to the election for which the political committee is organized, the committee shall file with the secretary of state a statement of the purpose of the committee indicating whether the committee will be making independent expenditures in support of or in opposition to a candidate including the full name of the candidate, a statement of the name, address, occupation, and principal place of business of its chairman, treasurer, and other officers, and a statement signed by its chairman and treasurer that the political committee will not exceed the expenditure limitations allowed under RSA 664:5, V and VI. The committee shall register with the secretary of state before receiving any contribution or making any expenditure.

12 Reference to Independent Expenditures. Amend RSA 664:3, II to read as follows:

II. No member of a political committee, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure or a candidate, until the statements required by paragraph I are filed. **Only those political committees that indicate whether they will be making independent expenditures as provided in paragraph I shall be allowed to make such expenditures.**

13 New Paragraphs; Prohibited Political Expenditures. Amend RSA 664:5 by inserting after paragraph IV the following new paragraphs:

V. No political committee which is registered with the secretary of state shall make independent expenditures which exceed \$1,000 in the aggregate for all the candidates running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose the candidate or the candidates.

VI. No political committee or entity which is not registered with the secretary of state shall make independent expenditures which exceed \$1,000 in the aggregate for all the candidates running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose the candidate or the candidates.

14 Additional Reports. Amend RSA 644:6 to read as follows:
664:6 Reporting by Political Committee.

I. Any political committee whose receipts or expenditures in support of a candidate, measure or political party exceed \$500 shall file with the secretary of state an itemized statement, signed by its chairman and treasurer showing each of its receipts exceeding \$25 with the full name and post office address of the contributor in alphabetical order and the amount of the contribution and the date it was received. Such report shall be filed not later than the Wednesday [3] 10 weeks immediately preceding an election, before 5 o'clock in the afternoon, and shall cover the period beginning on the day of the committee registration or report, whichever is later, and ending on the Monday before the report is due. All receipts of \$25 or under shall appear on the reports as unitemized receipts. Any listing exceeding \$100 shall be accompanied by the contributor's occupation and principal place of business, if any. The statement shall also show each committee expenditure with the full name and address of persons, corporations, committees or to whomever paid or to be paid and the date paid, with the specific nature and amount of each expenditure since the date of the registration or report, whichever is later.

II. A second itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday **3 weeks** immediately preceding an election, before 5 o'clock in the afternoon. Such report shall summarize the first period and itemize all receipts and expenditures since the cutoff of the first statement up until the Monday preceding the filing of the second report. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the second report is filed and prior to the day of election.

III. A third itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding an election, before 5 o'clock in the afternoon. Such report shall summarize the first and second periods and itemize all receipts and expenditures since the cutoff of the second statement up until the Monday preceding the filing of the third report. In addition to the reporting requirements contained in this

section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution exceeding \$500 which is received after the third report is filed and prior to the day of election.

[III.] **IV.** A [third] **fourth** itemized statement in the same form as in paragraph I summarizing the periods of the first [and], second **and third** statements and itemizing all receipts and expenditures since the cutoff of the [second] **third** report shall be filed with the secretary of state not later than the second Friday after the election, before 5 o'clock in the afternoon.

[IV.] **V.** Any political committee whose receipts or expenditures do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed \$500 the committee shall file a statement at the next reporting deadline.

VI. Any political committee whose independent expenditures exceed \$500 for a reporting period shall file an itemized statement in the same form as in paragraph I with the secretary of state not later than 24 hours after such independent expenditures are made. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section.

[V.] **VII.** Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

[VI.] **VIII.** Copies of the statements required by paragraphs I through [V] **VII** of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

[VII.] **IX.** Any national political party committee of a party as defined in RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through [V] **VII**, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:4.

[VIII.] **X.** The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, I, to file with the secretary of state copies of re-

ports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

15 Information Required on Statement. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, I-[VI] **VIII**, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

16 Signature of Treasurer of Political Committee. Amend RSA 664:14, I and II to read as follows:

I. All political advertising shall be signed at the end with the names and addresses of the candidate, his fiscal agent, or the name and address of the chairman or the [secretary] **treasurer** of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party or political committee by or on whose behalf the same is published or broadcast.

II. Political advertising to promote the success or defeat of a measure by a partnership, corporation, labor union, or other organization shall be signed. The name of such organization shall be indicated and the chairman or [secretary] **treasurer** of such organization shall sign his name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

17 New Paragraph; Advertising by Political Committee. Amend RSA 664:14 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any other provision of this section, any advertising by a political committee not authorized by any candidate or candidate committee shall so state.

18 New Section; Severability. Amend RSA 664 by inserting after section 22 the following new section:

664:23 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or the application of such provision to other persons or circumstances, and to this end the provisions of this chapter are severable.

19 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the campaign financing law.

The bill makes it apply to candidates who intend to have their names placed on the state general election ballot by means of primary petitions or nominating petitions. The current law only applies to candidates who are nominated in their party primary, and to write-in candidates.

The bill also:

(1) Increases the total expenditures by candidates for the offices of governor, United States Senator, representative to Congress, and representative to the general court and for all county offices.

(2) Adds one member appointed by the governor to the advisory committee which monitors campaign financing statutes.

(3) Adds a general penalty provision for violations of RSA 664, with an exception for violation of campaign expenditure limitations.

(4) Allows a candidate who does not voluntarily accept expenditure limitations to choose either to pay a filing fee or to file primary petitions.

This bill requires political committees to report to the secretary of state the money they spend to support or oppose candidates, and the money they spend on independent expenditures which exceed \$500 for a reporting period. "Independent expenditures" means expenditures by a person or political committee expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate.

Political committees must also report to the secretary of state that they intend to make independent expenditures, and file a statement agreeing not to exceed independent expenditure limitations. A candidate does not have to limit his political campaign expenditures when a political committee has made independent expenditures in the aggregate to support or oppose the candidate and other candidates running for the same office which exceed \$1,000.

The bill also provides that no political committee, whether or not it is registered with the secretary of state, shall make independent expenditures which exceed \$1,000 in the aggregate for all the candidates running for a particular office in a state primary election, and a like amount in a state general election, in support of or to oppose the candidate or candidates.

Amendment adopted. Ordered to Third Reading.

HB 685-FN, relative to tenant evictions.

Ought to Pass with Amendment. Senator Johnson for the committee.

Senator Johnson moved that **HB 685**, relative to tenant evictions be laid on the table.

Adopted.

HB 730-FN, relative to local cease and desist orders for zoning, planning and code violations.

Inexpedient to Legislate. Senator Johnson for the committee.

SENATOR JOHNSON: HB 730 establishes a very elaborate procedure whereby certain local enforcement officials can issue cease and desist orders having to do with violations of local ordinances and code violations. But, the proponents of the bill seemed to have overlooked that current law provides for remedies already. For example 676:15, labeled injunctive relief, is a remedy that is available. In addition RSA 676:17, fines and penalties, Roman numeral 5, also provides additional remedies and it is the judgment and recommendation of the Public Affairs Committee that this bill be inexpedient to legislate.

Adopted.

Senator Charbonneau wished to be recorded as opposed to the motion.

HB 756-FN, relative to cluster development and multi-family dwellings.

Ought to Pass with Amendment. Senator McLane for the committee.

SENATOR MCLANE: This bill amends the declaration of purpose for the planning and zoning laws to express the need for affordable housing in the State. And to encourage the use of planning and zoning laws so as to achieve the development of such housing. Representative Palumbo was the original sponsor and Representative Phelps was, I believe, the substitute sponsor and in perhaps typical New Hampshire form, in order to encourage low income housing, we have passed a resolution rather than any money.

Amendment to HB 756-FN

Amend RSA 672:1, III-d as inserted by section 1 of the bill by replacing it with the following:

III-d. All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sani-

tary and affordable to low and moderate income persons and families is in the best interests of each community and the state of New Hampshire, and serves a vital public need. Opportunity for development of such housing, including so-called cluster development and the development of multi-family structures, shall be encouraged by use of municipal planning and zoning powers and by reasonable interpretation of such powers;

AMENDED ANALYSIS

This bill amends the declaration of purpose for the planning and zoning laws to express the need for affordable housing in the state and to encourage the use of planning and zoning laws so as to achieve the development of such housing.

Amendment adopted. Ordered to Third Reading.

SB 390, relative to laws regarding abuse and neglect of children.

Ought to Pass with Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: This bill was requested by the Division of Children and Youth Services, Department of Health and Human Services. It basically does two things. If a parent or guardian is incarcerated as a result of child abuse, the child is removed from their custody. If they are going to be incarcerated, up until a child reaches the age of 18, the child will be removed from their custody permanently. The other thing is, it allows conversations between the parents and a professional to be used. The only communications that would be privileged is between the attorney and client.

SENATOR NELSON: Senator Roberge, I note that on the second page of the bill it says that testimony by parents who are a subject of abuse and neglect petition shall not be admissible in criminal proceedings relating to that. What is that, is that a new change in the law?

SENATOR ROBERGE: Yes.

SENATOR NELSON: Does that mean that parents who have been accused of abuse and neglect, that their testimony will not be admissible in a criminal proceeding?

SENATOR ROBERGE: That is what it says.

SENATOR NELSON: Is that the way the law has always read?

SENATOR ROBERGE: I don't know, Senator Nelson.

SENATOR PODLES: My parents will not cooperate on civil proceedings because they are concerned about the use of this information and so this is a protection for parents. They wouldn't have to testify in criminal proceedings.

SENATOR NELSON: Senator Podles, this says shall. It doesn't allow a person to choose. It will not be admissible. Who is asking this? Is this also coming from the Division?

SENATOR PODLES: Yes, this was a request from the Division, DCYS, and Health and Human Services.

SENATOR NELSON: What I want to know is, what if the parent, what if it's wrong?

SENATOR PODLES: This will encourage parents to cooperate. It does say testimony by parents who are the subject of abuse and neglect petition, who are alleged to have abused or neglected a child, which is given during proceedings under this chapter for a fair hearing conducted by the Division, shall not be admissible in criminal proceedings. In other words, this is just in civil proceedings. They would not have to go into criminal proceedings. They would not have to testify in criminal proceedings. If they want to, they can but they would not have to. This is a protection for parents and this is only on appeal cases.

Amendment to SB 390

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Incarceration Added to Termination Grounds. Amend RSA 170-C:5 by inserting after paragraph V the following new paragraph:

VI. If the parent or guardian is, as a result of incarceration, unable to discharge his responsibilities to and for the child and, in addition, has been found pursuant to RSA 169-C to have abused or neglected his child or children, the court may terminate parental rights, provided that the sentence of incarceration exceeds the period of time it will take the child to reach 18 years of age.

6 New Section; Abrogation of Privileged Communication in Termination of Parental Rights. Amend RSA 170-C by inserting after section 9-a the following new section:

170-C:9-b Abrogation of Privileged Communication. The privileged quality of communication relative to progress in treatment between any professional person and his patient or client, except that between attorney and client, shall not apply to proceedings instituted pursuant to this chapter.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes various changes in laws relative to abuse and neglect of children, including prohibiting in criminal proceedings regarding abuse or neglect allegations, the use of testimony given by parents accused of abuse or neglect in proceedings under the child protection act or during a fair hearing conducted by the division for children and youth services.

The bill adds incarceration for a child's minority of the parent or guardian as a ground for the termination of parental rights, upon a finding that such parent or guardian also abused or neglected his child or children.

The bill also removes, in proceedings initiated for the purpose of terminating parental rights, any communication relative to progress in treatment between any professional person and his patient or client, except that between attorney and client, from the status of privileged communication.

The bill is a request of the division for children and youth services, department of health and human services.

Amendment adopted. Ordered to Third Reading.

SB 365-FN, relative to service areas for purposes of certificate of need.

Interim Study. Senator Bond for the committee.

SENATOR BOND: The committee, after hearing this bill and discussing it with the sponsor, agreed that at this point it should be studied further and has requested Interim Study.

Adopted.

HB 612-FN, establishing a committee to study nursing home care costs paid by counties.

Inexpedient to Legislate. Senator McLane for the committee.

SENATOR MCLANE: A little bit of honesty out of our committee. Instead of studying a bill that you can't pay for, we decided this 15 member committee should be inexpedient. The facts are these. In 1981, the State increased the county share for nursing home costs from 50 percent to 61.5 percent with a promise that as soon as the fiscal affairs got better, this would go down. We are still promising. The highest proportion in the county is \$31 million, the difference between what we used to get and what we are getting now. It is obvious that all the studying in the world isn't going to change it. So

we decided that we didn't need to study it. We knew the facts and there it was.

Adopted.

CACR 26, relating to revenue base sharing. Providing that each year at least 50 percent of all general fund revenues resulting from any new taxes and increases in rates of existing taxes be returned to the cities, town, school districts, and counties to assist in property tax relief.

Inexpedient to Legislate. Senator Roberge for the committee.

Senator Roberge differed to Senator Dupont.

SENATOR DUPONT: The Senate Ways and Means Committee heard fairly extensive testimony on CACR 26, and while I think the Ways and Means Committee, obviously feels compassion for the property tax payers of New Hampshire and that includes myself, we felt an obligation to those people who are provided services by the State of New Hampshire and that we move this CACR inexpedient to legislate. I tried to make it clear and I think we all tried to make it clear to the sponsors of this bill that we understood their frustration. However, having had an opportunity to sit on Senate Finance, having had the opportunity to see the expansion of the delivery of services in the health and human services area, that if this CACR had been in place a few years ago, the State of New Hampshire would still be under court order and the mental health area still under court order, and the prison area as well not meeting its obligations. We tried to impress upon everyone who was present that the constituents that the State of New Hampshire serves, the services that we provide, are the same to the same constituency as those that provide services at the local level. Clearly, not only would it be impossible to split the existing revenue resources to provide any meaningful property tax relief, it would be impossible under the existing revenue structure of the State. Furthermore, it would make it impossible for the State to keep up providing services in all the different areas that it does provide services.

SENATOR MCLANE: Senator Dupont, the discussion on this bill was for the first time in the nine years that I have been in the Senate enlightening and interesting on the subject of taxes. My question is, Senator King asked particularly to be here during the discussion of this bill and I wonder why you did not put the bill over until Thursday when he could get here?

SENATOR DUPONT: Senator McLane, I can't answer that.

Adopted.

Senator Charbonneau wished to be recorded as opposed to the motion.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, February 1, 1990 at 1:00 p.m.

Adopted.

LATE SESSION

Third Reading and Final Passage

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions.

SB 353-FN, requiring state agencies to purchase recycled paper products.

SB 334-FN, allowing the town of Ellsworth to establish a school district.

SB 355-FN, relative to regional vocational education.

SCR 1, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools.

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages.

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system.

SB 403-FN, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies.

SB 336, relative to the statute of limitations on prosecutions for bad checks.

SB 389, relative to non-privileged communications in marital mediation proceedings.

SB 410-FN, relative to display of materials which are harmful to minors.

SB 332, relative to electing zoning board of adjustment members.

HB 575-FN, relative to campaign financing and relative to reporting requirements for political committees.

HB 756-FN, relative to cluster development and multi-family dwellings.

SB 390, relative to laws regarding abuse and neglect of children.

Senator Bass moved to adjourn.

Adopted.

Adjournment

February 1, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we have seen the results of the big spenders and what they have done to put us in the state we are in now both state-wide and nationally. We have heard what President Bush hopes to accomplish world-wide. Now let us see what we can do for our own State. We need action, not just lip service. Count to ten before you act. Bless us Lord.

Amen

Senator Hough led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

HOUSE REQUESTS CONCURRENCE WITH AMENDMENTS

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate.

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies.

Senator Bond moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, Bass, St. Jean.

COMMITTEE REPORTS

SB 331, relative to Loon Mountain water supply for snowmaking.

Inexpedient to Legislate. Senator Bond for the committee.

SENATOR BOND: This bill authorizes the Loon Mountain Recreation Corporation to withdraw water from Loon Pond for snow making and other purposes incident to ski operation. The committee decided to take this bill and a related bill concerning the town of Lincoln's water supply and combine them in one bill, SB 386 and for that purpose we chose to put this one inexpedient to legislate.

Adopted.

SB 386, relative to the town of Lincoln's water supply.

Ought to Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This is the bill to which I just referred which consolidates SB 331, the water supply for Loon Mountain Recreation Corporation, and the water supply for the town of Lincoln. This bill is a product of a great deal of work by the Attorney General's office, Loon Mountain and the town of Lincoln. We feel that all parties are satisfied with the protection provided to the rights of the State, the property abutters, to the river downstream, and to the town of Lincoln. We urge your support.

Amendment SB 386

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the use of public water by the town of Lincoln
and by Loon Mountain Recreation Corporation.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Purpose. The general court finds that authorizing the water withdrawals contemplated by the town of Lincoln for public water supply purposes from Loon Pond, Boyce Brook and from

the East Branch Pemigewasset River and authorizing water withdrawals for snow-making contemplated by operations and expansion of the ski facilities of Loon Mountain Recreation Corporation within the White Mountain National Forest and the town of Lincoln is in the best interests of the public as a whole and is consistent with state ownership or stewardship over said water bodies. It is the intent of the general court that the specific water withdrawals for such projects as limited herein be expressly authorized.

2 Town of Lincoln. The town of Lincoln is hereby authorized to take water for public water supply purposes from Loon Pond, from Boyce Brook and upon construction and operation of its public water supply facility situated in the town of Lincoln to take water from the East Branch Pemigewasset River; in such amounts and in such a manner as is permitted by state permits and federal permits issued in connection with such construction and operation. If the department of environmental services determines that a reduction or other similar modification of such withdrawal is necessary for the preservation of water quality and habitat protection, the town of Lincoln shall, pursuant to written notice and order, reduce or similarly modify its withdrawal, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department and a decision is made to extend such order. The department shall adopt rules, under RSA 541-A, establishing criteria and procedures for issuing such orders, for such special hearings and for making such decisions.

3 Loon Mountain Recreation Corporation. Loon Mountain Recreation Corporation and its successors and assigns is authorized to take water for purposes of implementing a system of snow-making and other activities incident to present and planned ski area operations at Loon Mountain Ski Area in Lincoln, from the East Branch of the Pemigewasset River, including Boyle Brook, to discharge such waters into Loon Pond, a pond situated in the White Mountain National Forest in Lincoln and to take water from Loon Pond subject to all applicable conditions and limitations incorporated in any permit issued by the United States government or any agency thereof. If the department of environmental services determines that a reduction or other similar modification of such withdrawal is necessary for the preservation of water quality and habitat protection, Loon Mountain Recreational Corporation or its successors and assigns shall, pursuant to written notice and order, reduce or similarly modify its withdrawal, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department and a decision is made to extend such order. The department shall

adopt rules, under RSA 541-A, establishing criteria and procedures for issuing such orders, for such special hearings and for making such decisions.

4 Private Rights. This act shall not affect any private right in Loon Pond, Boyce Brook, Boyle Brook or the East Branch Pemigewasset River and shall not relieve Loon Mountain Recreation Corporation or the town of Lincoln from compliance with laws or rules under the state's police power.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill permits the town of Lincoln to take water from Loon Pond and Boyce Brook for public water supply purposes, and also from the East Branch Pemigewasset River when the town water supply facility has been constructed. The bill also permits Loon Mountain Recreation Corporation to take water from the East Branch Pemigewasset River, including, Boyle Brook and Loon Pond for snow-making and other ski area activities.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Dupont in the chair.

SB 361, relative to radon gas.

Ought to Pass With Amendment. Senator Bond for the committee.

Senator Bond differed to Senator Bass.

SENATOR BASS: This bill is essentially a notification bill which allows for potential buyers of homes in the State of New Hampshire to be properly notified about the potential for the presence of radon, which is known to exist in roughly 28 percent of all New Hampshire houses, along with lead paint. It does not mandate testing. It just gives the consumer the opportunity to recognize the possibility that a test might be prudent. I urge the Senate's adoption of the committee amendment and the committee report of ought to pass with amendment.

SENATOR PRESTON: Respectfully, I disagree with what the amendment does. I understand the concern and the theory and so forth, but I don't think this is properly drafted in the first place and, in the second place, it doesn't say who should pay for the test. If it was done as we do with the town and city clerks when they hand out

materials to make people aware of AIDS or other sexually transmitted diseases; I think the people in real estate could do the same thing with this, pass out a brochure. But, to have the buyer sign this statement, doesn't say what has to be done. New Hampshire is full of homes of colonial ancestry that were built way back two hundred years. There is no doubt a lot of lead paint and so forth. I see a lot of potential liabilities here that people don't understand could arise from this. I have concerns and I am going to vote against the bill as it is written, and as the amendment is drafted.

SENATOR KING: I appreciate the remarks of Senator Preston, who is a realtor as am I. I would just like to say that, as a realtor myself, I don't have an objection to this piece of legislation. And the reason that I don't is because rather than us putting additional regulations on people, what we are doing in this amendment is informing people that they need to be concerned about the possibility of radon in their homes. They need to be concerned about the possibility of lead in the paint, and that it is their choice whether or not they decide to have a test. So we are performing what is truly the best function of government and that is educating people to make wise decisions by themselves rather than making those decisions for them. For that reason, I support this amendment.

SENATOR DISNARD: Senator King, if a widow or elderly person has a home for sale, and the home is of the vintage that was mentioned, they do not know anything about the lead used in building or the percentage of lead in the paint. They don't notify the realtor such as yourself who is selling it. Will they have a liability in the future if someone should purchase that home and say I wasn't told about the lead content.

SENATOR KING: The answer to that, I believe, Senator Disnard, is no, they wouldn't. And in fact, what this amendment does is very simply educate the buyer to the fact that those might be issues that they should be concerned about and if they are concerned about them, they should look into them. I think it would, to some extent, relieve the liability on that elderly person or anybody who is selling a home, because the purchaser of that home has been fully informed that these are issues that they should be concerned about.

SENATOR DISNARD: Do you believe that I think you ought to table this bill and write something in for the protection of these people?

SENATOR KING: I believe that it is not necessary.

SENATOR NELSON: Senator Bass, am I hearing that you can not purchase a home unless you have had it tested for radon and lead?

SENATOR BASS: No, not at all, Senator Nelson. In fact, there is no mandate whatsoever that a home be tested for either product. All this amendment essentially does is provide some form of notification and education for the potential buyer on the one hand, and, in my opinion, some measure of protection for both the seller and the agent to be able to know that the buyer is fully aware of the potential problem that might exist in the purchase of the home. So that if, at a later a date, a problem did arise there would be no question of the fact that it is not the responsibility of the seller or the agent.

SENATOR NELSON: Senator Preston, not having heard everything you said because of the distance between us, it is my understanding from Senator Bass that it will not interfere with the selling of the home and I was curious what point you were making?

SENATOR PRESTON: I think there are potential liabilities here that vary in degrees, Senator Nelson. The word realtor is used. Realtors may represent a third of all the licensees out there, be they sales people, license brokers, or Mrs. Nelson selling a house to Mr. Delahunty privately. How are you to be aware of this law as it is written? It says "I have been informed of the possible presence of potential hazards of radon or lead." By whom? It also says "located at.....tested at radon lab." It is poorly written. There are liabilities in here. There are no penalties stated, but I think it really lends to an even more litigious society we have here if in a private sale to a party, you fail to do this, you could be sued. I think it is a bad precedent to establish at this time.

SENATOR NELSON: Senator Preston, do you know if in other states, for example Massachusetts, if the banks talked about lead, at that particular end of the process, and do you know that, do they do anything similar in the State of New Hampshire at the level of the banks?

SENATOR PRESTON: No. In some sales of commercial property they do hazardous study analysis of the commercial properties. That is required by the banks. There are more stringent regulations regarding lead paint in Massachusetts. But this is open ended. I think it is a good lawyers relief bill.

SENATOR BARTLETT: Senator Bass, are you aware that most realtors now use what they refer to as attachment one, which advises the buyer of their option to retain a home inspector to inspect that home to make sure that all the issues you are talking about in here

are looked at and inspected and that inspector makes a report back to the prospective buyer on the condition of that home on all areas, that includes radon and lead.

SENATOR BASS: Senator Bartlett, it is my understanding that that indeed does exist. However, the testimony that our committee had both this year and last year led us to the conclusion that in fact radon, because of the relatively recent development of the problem, is one that is not necessarily addressed by these inspectors. In fact, we received considerable testimony from home buyers who had purchased homes that had been inspected and there had been no indication that there was radon and it was only discovered after the fact. The original piece of legislation was a mandatory testing for radon in all new construction, which I thought was extreme, and I felt that the way to address the problem was to have a reasonable notification procedure so that the public would be aware, just simply aware, of their opportunities to have it checked.

SENATOR BARTLETT: In the testimony that you heard, maybe you could help me out, did anyone tell you what a harmful level or reading was on radon? I think that has been established to date.

SENATOR BASS: 200 picocurie parts per million.

SENATOR JOHNSON: Senator Bass, recognizing that a lot of the homes in New Hampshire have septic tanks and there are certain issues associated therewith, do you believe that septic tanks ought to be added to this kind of notification?

SENATOR BASS: Senator Johnson, that was not a question that came up in our deliberations. In as much as, on the face of it, it sounds as if it has merits. I am in no position to comment on that form of investigation. I know nothing about septic tanks.

SENATOR JOHNSON: Although there are fewer houses with lead pipes than those with septic tanks, do you think lead pipes should be added to this notification?

SENATOR BASS: Senator Johnson, I would say that the problems associated with radon are life threatening as also relates to lead paint and lead pipes. I don't feel, Senator Johnson, that there are all that many houses in the State of New Hampshire that use lead pipes or have lead pipes, and it is not a problem of the same magnitude and potential scope as the problems that I mentioned. As far as the septic tank issue is concerned, septic tanks for the most part are not life threatening unless you fall into one of them.

SENATOR JOHNSON: Senator Bass, are you seeking to set aside the concept of caveat emptor?

SENATOR KRASKER: While I certainly defer to my colleague, Senator Bass, in the matter of radon, I do want to address the problem of lead poisoning and the reason why the amendment to his bill dealing with lead was attached and became part of the amendment. I do have a constituent who called me a short time ago. She and her husband had purchased a home with a veteran's administration loan. They have two small children. After they had purchased the home, they found out that there were dangerous levels of lead in the house and their children have been impaired. In the last few weeks, you may have read the report that has been issued on lead poisoning, that it is irreversible. It doesn't disappear with time. It was our feeling on the committee, based on testimony and on public health testimony, that the notification is very important, because right now there is no duty on the part of the seller to disclose that the house may have lead or dangerous levels of lead that affects, particularly, small children and pregnant women. It affects the unborn child. So it seemed to me and to the committee that it was very important to protect these young children to make sure that there are no more occurrences of children effected, to at least require a notification be included.

Division vote on the committee amendment.

9 Yeas

14 Nays.

Committee Amendment failed.

Senator King moved that **SB 361** relative to radon gas be Laid on the Table.

Adopted.

Recess.

Out of Recess.

Senator Bartlett in the chair.

HB 108-FN, licensing massage practitioners and massage establishments.

Ought to Pass. Senator Delahunty for the committee.

SENATOR DELAHUNTY: This bill is an updating of the language that is presently found in the RSAs. The original language was printed in the RSAs in 1979 when massage parlors had a different connotation then the massage therapy of today has. It also adds a little bit of professionalism to the industry.

SENATOR MAGEE: Senator Delahunty, section 6 on the second page there is an item called a sitz bath. Are you aware of what a sitz bath is?

SENATOR DELAHUNTY: Senator Magee, I would be awfully disappointed if anybody asked that question. I thought that maybe you would have a better explanation to this, but I don't have the answer.

SENATOR MAGEE: Senator, did the committee have to take any field trips?

SENATOR DELAHUNTY: No, the person who testified is from Tilton and she has a place of business up there. She was very professional in her approach and did invite us up for a future field trip. But I told her that although we probably couldn't make it, we probably have somebody who is on a leave of absence that might choose to make the field trip later on this summer.

SENATOR KING: Senator Delahunty, I am not going to continue with Senator Magee's line of questioning. Are massage practitioners currently required to be licensed?

SENATOR DELAHUNTY: They are currently required to be licensed. What this bill does, it changes the reporting process to the director of the Division of Public Health and Services. Otherwise, the problem with the current regulations is the connotation that it presents to the public. The old statute reads "the General Court finds that there has been a recent increase in the number of establishments purporting to be massage parlors. That a massage parlor can present a convenient front for the conduct of sexually related crimes including but not limited to prostitution and sexual assault. Also that massage parlors can present a convenient front for the laundering of money acquired through other illegal means." That was part of the connotation that bothered these people and they wanted to professionalize their industry. Otherwise, everything else applies as they presently exist.

SENATOR KING: At the risk of carrying this too far, I see how that is a statement about the licensing of parlors, but not of the practitioners.

SENATOR DELAHUNTY: I only read part of the statutes and I don't have all the statutes, Senator. You are talking about the detail of the new bill. As I understood it at the hearing, and the people who were there represented the massage practitioners, there were no major changes in the law other than what exists today. They were cleaning up the language and the reporting to the director of Public Health Services.

SENATOR KING: This bill seems to have a lot of new language in terms of explaining. You are saying that this is just transferring a little authority?

SENATOR DELAHUNTY: I agree with you. I looked at it today and I couldn't believe I was at the same hearing. I don't have the minutes in front of me but it was a very brief hearing and as explained, the major changes were as I told you. The major change was the reporting to the director of Public Health Services.

SENATOR BLAISDELL: Senator Delahanty, this sounds like it should have been on Senator Roberge's bill the other day. What does the term mean "shall not include colon irrigation"? Then it says stroking, tapping, kneading, cupping, rubbing. This sounds like a sexual act. I don't think it belongs in this place.

SENATOR DELAHUNTY: I defer to Senator Magee.

SENATOR MAGEE: I don't know, I wanted to know about sitz bath.

SENATOR BASS: Senator Delahanty, just to conclude Senator Blaisdell's fine line of questioning, the last sentence of that paragraph does say that it "shall not include" this colon irrigation. Don't you think that this bill should have some other "shall not includes" in it?

SENATOR DELAHUNTY: Perhaps we should refer this bill to a study group.

SENATOR KING: In the last session of the legislature last year, we licensed landscape architects. It seems to me that we keep licensing a group of people that there is no good public safety reason for licensing. What we are doing is, in fact, restraining trade so that people who are practicing now who are not licensed may not be able to continue to practice and the public will pay more for a service that they need not pay more for.

SENATOR DELAHUNTY: Senator King, would you believe that the language we are now proposing, I have been informed by Senate Counsel is currently in the existing statutes and this doesn't change it that much.

Adopted. Ordered to Third Reading.

HB 563, relative to land surveyors and condominiums.

Ought to Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill basically allows, by the insertion of licensed land surveyor, a licensed land surveyor to also perform the floor plan and the delegation of accuracy and compliance under the

provisions of the statute. It was reported in testimony that a licensed surveyor could also perform these services as well as a registered engineer and architect which is currently under the law. This change is recommended.

Adopted. Ordered to Third Reading.

HB 250-FN, relative to the classified personnel system.

Interim Study. Senator Dupont for the committee.

Senator Dupont moved that **HB 250-FN**, relative to the classified personnel system be Laid on the Table.

Adopted.

HB 350-FN, relative to the unclassified personnel system and making an appropriation for a consultant fee.

Interim Study. Senator Dupont for the committee.

Senator Dupont moved that **HB 350-FN**, relative to the unclassified personnel system be Laid on the Table.

Adopted.

SB 303-FN-A, making a supplemental appropriation for school building aid.

Inexpedient to Legislate. Senator Hough for the committee.

SENATOR HOUGH: This bill and the bill that follows it are recommended to be reported inexpedient to legislate by the Finance committee. These bills you see on an annual basis. The present biennial budget has appropriations that address both school building aid and catastrophic special education that meets our obligation for the biennium. There has been a statement of intent, if you will, with all the deliberations within the last couple of months, not to force our fiscal trouble and burdens back on to the local communities. Ordinarily, these programs need supplemental appropriations. We put the right numbers in our biennial budget and we do not need a supplemental appropriation. And we do not need these bills. We should meet our commitment by not affecting these programs in the biennial budget.

Adopted.

SB 304-FN-A, making a supplemental appropriation for catastrophic special education aid.

Inexpedient to Legislate. Senator Hough for the committee.

SENATOR HOUGH: In the interest of time, ditto.

Adopted.

SB 307-FN, relative to state employee retiree dependent medical insurance.

Interim Study. Senator Delahunty for the committee.

SENATOR DELAHUNTY: SB 307 relative to dependent care of retired State employees. The bill requires the State to pay the premium costs for each fully dependent child of a retired State employee. How many dependent children of these retirees is unknown and the cost to the State would be the increase in premium costs to add these dependents. We recommend Interim Study.

Adopted.

SB 309-FN-A, establishing a New Heritage Trail and making an appropriation therefor.

Ought to Pass with Amendment. Senator St. Jean for the committee.

SENATOR ST. JEAN: We took the \$25,000 appropriation out of this piece of legislation, but we also allowed the Division of Economic Resources to receive funds with the approval of Governor and Council. We urge passage.

Amendment to SB 309-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a New Hampshire Heritage Trail.

Amend the bill by replacing all after section 6 with the following:
7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill designates the trail being established by the conservation corps from the Canadian border to the Massachusetts border as the Heritage Trail.

A 16-member advisory committee is to advise the department of resources and economic development on trail development. Members of various state agencies and departments shall be non-voting members of the committee.

Amendment adopted. Ordered to Third Reading.

SB 312-FN-A, relative to affordable housing fund and making an appropriation therefor.

Inexpedient to Legislate. Senator St. Jean for the committee.

SENATOR ST. JEAN: This bill has an appropriation of \$1.00 of State money and \$1.00 of federal money. We feel for the affordable housing. We just felt to perpetrate this on the House without any real money in it, we felt it was time to kill this legislation.

Adopted.

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor.

Ought to Pass. Senator Torr for the committee.

SENATOR TORR: SB 313 appropriates 1.3 million dollars for the purchase of the Nashua courthouse. That building is presently being leased by the State for the Nashua district court. The bill also contains language that prohibits any major renovations to the facility before July 1, 1995.

Adopted. Ordered to Third Reading.

SB 315-FN, relative to health insurance for retired municipal employees.

Interim Study. Senator Delahunty for the committee.

SENATOR DELAHUNTY: The actuary indicated that this bill requires more work because several issues need clarification. The actuary recommended that such issues as withdrawal of contributions, vesting and whether or not member contributions can be made on a pre-tax basis must be clarified with the Internal Revenue Service before going forward with the proposal. In addition, the funding mechanism could be in conflict with the IRS rules on deferred compensation. We recommend Interim Study.

Adopted.

SB 316-FN-A, relative to the governor's education improvement program and making an appropriation therefor.

Ought To Pass with Amendment. Senator Hough for the committee.

SENATOR HOUGH: This bill as it had been amended by the committee on education establishes the Governor's Education Improvement Program and places it in the Department of Education. The Finance Committee is in agreement with the Education Committee. The amendment that the Finance Committee has passed eliminates

the money, but the bill still should be passed and put into the Department of Education. Hopefully, in the future, this worthwhile activity can be initiated.

Amendment to SB 316-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the governor's education improvement program.

Amend the bill by deleting section 5 and renumbering section 6 to read as 5.

AMENDED ANALYSIS

This bill changes the session laws relative to the governor's steering committee on excellence in education. The name of the program is changed from "excellence in education" to "education improvement," and the new term used for the subsidiary programs is "project." The department of education continues to assume primary administrative responsibilities for the education improvement program and will act in consultation with the state board of education in administering the program.

The bill establishes 2 projects to be administered under the program, teacher excellence and teacher excellence in mathematics and science, to take the place of previous projects.

Amendment adopted. Ordered to Third Reading.

SB 330-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for elderly care providers and making an appropriation therefor.

Interim Study. Senator Podles for the committee.

SENATOR PODLES: SB 330 establishes an interest-free revolving loan fund to encourage residential care facilities for elderly persons. This is shared homes. In view of the increased population there certainly is a need for this. The committee recommends Interim study.

Adopted.

SB 333-FN-A, making a supplemental appropriation to aid the visually impaired.

Ought To Pass with Amendment. Senator Dupont for the committee.

SENATOR DUPONT: Senate Finance Committee had a very interesting hearing on this piece of legislation. For those not familiar with this program, this program provides technical support to local school districts for dealing with those children who are either visu-

ally, hearing or have communication impairment. It provides not only just technical assistance, it helps develop programs at the local level with the local school district, so that out-of-state placements or more expensive placements might not take place. The recommendation is for \$50,000. There is currently \$339,000 in the State budget for this program.

SENATOR BLAISDELL: This is a bill that was brought in by Senator Nelson and Senator Dupont. As he said, we had a terrific hearing on this. This is probably the only money that the Finance Committee has spent in this session, so far. And we think it is commendable and we hope you pass it and get it back over to the House. We commend Senator Nelson and Senator Dupont for bringing it in.

Amendment to SB 333-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

making a supplemental appropriation to aid the sensory impaired.

Amend the bill by replacing section 1 with the following:

1 Supplemental Appropriation. In addition to any other sums appropriated, the sum of \$50,000 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of education for the purpose of funding aid to the sensory impaired as provided in the statewide special education program. Such appropriation shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes a supplemental appropriation to fund aid to the sensory impaired as provided in the statewide special education program for the fiscal year ending June 30, 1991.

Amendment adopted. Ordered to Third Reading.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

Ought to Pass with Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: This bill as amended provides a 5 percent COLA for group II which becomes a permanent part of the retiree's base retirement allowance. The allowance is contingent upon there being sufficient funds in the special account. It is further

contingent upon the funds being available in each classification, that is, if the policemen have a special account fund for COLA they will receive it, even if firemen do not because they have insufficient funds. The amendment also puts a cap on the special account as follows: until such time as the funding ratio equals 125 percent for each classification, the special account will receive 50 percent of the excess return on investment. That is interest over the assumed rate. The general retirement trust fund will receive 50 percent.

Amendment to HB 343-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Allowance; Group II. As of July 1, 1991, all group II beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before July 1, 1991, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of 5 percent. The additional allowance shall become a permanent part of each beneficiary's base retirement allowance, as provided in RSA 100-A:42-a. This additional allowance shall only be granted however, if the actuary determines that sufficient funds are available in the special account created by RSA 100-A:16, II(h).

2 Funding of Additional Allowance.

I. For permanent policemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the police component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of July 1, 1990.

II. For permanent firemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the fire component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of July 1, 1990.

3 Granting of Additional Allowances. The additional allowance provided under sections 1 and 2 of this act shall only be granted if the actuary determines that sufficient funds are available in the special account created by RSA 100-A:16, II(h). For the purpose of reaching this determination, the actuary shall look at the fire and police components separately as of July 1, 1990. In the event that sufficient funds are available for one component but not the other, the allowance shall be granted for the component for which funds are available.

4 Funding of Special Account for Additional Benefits. RSA 100-A:16, II(h) is repealed and reenacted to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be credited annually with all of the earning of the special account assets; in addition, 50 percent of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the board of trustees shall be credited to the special account, the balance to be credited to the general retirement trust fund until such time as each respective member classification funding ratio equals or exceeds 125 percent; then 100 percent of such earnings in excess of the assumed rate shall be credited to the special account. In no case shall excess earning transferred to the retirement trust fund under this section be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraph (b), (c), and (d). The assets held in the special account shall not be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d). The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances not to exceed 5 percent in any fiscal year; or as determined by the actuary based on the availability of the special account assets, and, second, to the extent that additional funds may be available in the special account, to provide additional benefits for retired members and beneficiaries of the retirement system.

5 Application to Other Laws. All acts passed during the 1990 regular session of the general court dealing with the subject of retirement and which require funding from the retirement system special account, RSA 100-A:16, II(h), shall be subject to the provisions of RSA 100-A:16, II(h) as amended by section 4 of this act.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 30, 1990.

AMENDED ANALYSIS

This bill provides a 5 percent cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired on or before July 1, 1991, effective July 1, 1991. The additional allowance becomes a permanent part of the beneficiary's base retirement allowance.

Funding for the additional allowance comes from the police and fire components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

Funding for the additional allowance is contingent upon an actuarial funding that sufficient funds are available in the special account for the additional allowance.

Amendment adopted. Ordered to Third Reading.

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

Ought to Pass with Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: This bill as amended provides a 5 percent COLA for group I which becomes a permanent part of the retiree's base retirement allowance. The bill also provides a 10 percent for teachers retired prior to July 1, 1957. The allowance is contingent upon there being sufficient funds in the special account. We recommend ought to pass with amendment.

Amendment to SB 346-FN

Amend the bill by replacing all after section 2 with the following:

3 Funding of Additional Allowance.

I. For employee members of group I, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the group I employee member component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of July 1, 1990.

II. For teacher members of group I, and for all teachers retired prior to July 1, 1957, the total actuarial cost of providing the additional allowance as provided in section 2 of this act shall be funded from the group I teacher member component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of July 1, 1990.

4 Granting of Additional Allowances. The additional allowances provided under sections 1 and 2 of this act shall only be granted if the actuary determines that sufficient funds are available in the special account created by RSA 100-A:16, II(h). For the purpose of reaching this determination, the actuary shall look at the employee member and teacher member components separately as of July 1, 1990. In the event that sufficient funds are available for one component but not the other, the allowance shall be granted for the component for which funds are available.

5 Effective Date. This act shall take effect June 30, 1990.

AMENDED ANALYSIS

This bill provides a 5 percent cost of living adjustment for group I New Hampshire retirement system beneficiaries who retired prior to July 1, 1989, effective July 1, 1990. The additional allowance becomes a permanent part of the beneficiary's retirement allowance, and shall be compounded on any previously granted allowance.

This bill also provides a 10 percent cost of living adjustment for teachers who retired prior to July 1957, effective July 1, 1990.

Funding for the additional allowance comes from the employee and teacher components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

Funding for the additional allowance is contingent upon an actuarial determination that sufficient funds are available in the special account for the additional allowance.

Amendment adopted. Ordered to Third Reading.

SB 347-FN, to provide an automatic cost of living adjustment for group I retirement system members.

Interim Study . Senator Delahunty for the committee.

SENATOR DELAHUNTY: This bill provides a supplemental allowance for group I teachers and employees of the New Hampshire retirement system. The allowance would be annual and would be equal to the increase to the CPI for the previous calendar year. This bill would cost approximately \$7.2 million per year from the special account. We recommend interim study.

Adopted.

SB 356-FN-A, providing administrative support to the personnel appeals board and making an appropriation therefor.

Inexpedient to Legislate. Senator Torr for the committee.

SENATOR TORR: This bill would have established 3 positions with associated costs for administrative support for the Personnel Appeals Board. The appropriation for it would have been \$140,000. Considering the economic times and that it was a new program, the committee felt inexpedient to legislate.

Adopted.

Senator Currier wished to be recorded as opposed to the motion.

SB 367-FN, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988, relative to medical and surgical benefits for the children of deceased group II members, and relative to accidental death benefits.

Ought to Pass with Amendment. Senator Delahunty for the committee.

Senator Delahunty moved to recommit SB 367

Adopted.

SB 382-FN-A, relative to the emergency assistance program for AFDC recipients and making an appropriation therefor.

Inexpedient to Legislate. Senator St. Jean for the committee.

SENATOR ST. JEAN: This bill would mandate the emergency assistance program. The program is now permissive and expands eligibility for the special needs program, a program presently limited to AFDC recipients. The committee recommends inexpedient to legislate because the emergency assistance program was funded in the operating budget for both years of the biennium. Now there are no funds available to expand any programs.

Adopted.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor.

Ought to Pass. Senator Torr for the committee.

SENATOR TORR: SB 384 appropriates \$155,000 for the medical examiner's office. Of the money appropriated, it would be used for the lease of space at the Concord Hospital, a new associate chief medical examiner and to upgrade the investigator.

Adopted. Ordered to Third Reading.

SB 394-FN, relative to non-recurring adoption expenses and foreign adoptions.

Inexpedient to legislate. Senator Podles for the committee.

SENATOR PODLES: The bill establishes a procedure to reimburse the adoptive parents of hard-to-place children for certain adoption expenses. The committee recommends that the bill be inexpedient to legislate because general funds are required to match the available federal funds and the required general funds are not available.

Adopted.

SB 400-A, increasing the appropriation for constructing of regional vocational education centers.

Ought to Pass. Senator Torr for the committee.

SENATOR TORR: SB 400-A increases the bond authorization for construction of regional vocational education centers. Those centers that are affected by this bond authorization are Claremont, Newport and Hudson.

Adopted. Ordered to Third Reading.

SB 351, relative to the powers of the Pease Air Force Base Redevelopment Commission.

Ought to Pass with Amendment. Senator Dupont for the committee.

SENATOR DUPONT: A little earlier I had a discussion with Senator Krasker and we were talking about the smoking bill and she said if it goes on any longer "I'm going to start smoking myself." And I think for me the Pease bill is similar to Senator Krasker's feelings. I am probably going to take up smoking to calm my nerves if we don't put this behind us. I said when we went before the committee with this bill that the committee should look very carefully at what is being done in this legislation. Because in large part, this commission that we are establishing will hold the economic destiny of the seacoast area in their hands. I stand before you today, more firmly in my belief that the opportunity that presents itself at Pease is perhaps the most significant economic opportunity that any area of the State has for economic development. It also has the potential, if it is not done properly, to prevent the seacoast from recovering from a fairly significant impact, not just with Pease but perhaps with what is happening with the Naval shipyard. Our economy in the seacoast area is not in a condition today to handle the devastation that is going to result from both of those occurrences taking place. I think that brings more significance to what we do today. What you have in front of you, for the most part, is a piece of legislation that the existing commission that we established a year ago, worked on, went through seven or eight drafts before it finally came to the legislature. For the most part, it does include everything that the existing commission was looking for. There are, however, some changes and I will give credit to my colleague, Senator Krasker, who I am sure is going to bring an amendment to try and recognize some of the concerns that the elected officials in Portsmouth bring to this body today. I am a politician. I don't consider it a bad word. However, one of the changes that we did make was to make sure that this new commission that we are forming will not be made up of political or elected officials. We did that basically, because I think the existing commission recognized the politics of what has to go on to redevelop this commission. We are going to redevelop Pease. What we are putting in place is a commission that actually will have the job of making sure that what we have for a vision of Pease becomes a reality. That is one of the changes. You have all heard concerns expressed about the size of the commission, who appoints the commission. I guess those concerns are probably legitimate. But, again, I think

our focus was to make sure that we have a good, representative group. A group that is committed to making things happen at Pease, not a group that is committed to seeing that nothing happens.

One of the things that I think you ought to focus in on when you look at this, is that the State of New Hampshire has already made a significant commitment to making sure that this facility is redeveloped. Last session, we appropriated \$350,000 of general fund money to help in the process. The bill in front of you appropriates another \$200,000 and on top of that, we are giving this commission the authority to bond up to \$750 million to either purchase the facility or redevelop the facility. While that may seem like a significant amount of money, and it is, I think you all are aware that the Air Force is not going to turn this over to the State of New Hampshire for nothing, that we are going to have to acquire it. It is prime land, adjacent to one of the major arteries in the northeast, and that there is going to be a price that we are going to have to pay. The commitment from the State on the bonding is significant, because we are guaranteeing the first \$100 million of bonding authority. That is basically because, initially, this is not going to be a profitable situation for either the local communities or the State to be in, and someone has to stand behind the authority to be able to sell these bonds and raise the money to do what needs to be done. There are a couple of other significant changes. One of them involves zoning. If you look at page 13, you will see the language that we have adopted on zoning which is different than what the commission originally recommended. This commission will have the ability to override or supercede local zoning if they adopt a master plan, by vote, that would be inconsistent with what the local zoning is. Secondly, there is a provision that we put in that basically by consensus of both local communities that if they do not want to provide services, then they will forego the tax revenue from any properties that are developed on the base for a certain period of time. Finally, one of the provisions that deals with any excess revenues, we changed it to recognize the fact that, particularly in the case of Portsmouth, they will have an investment in this before it starts producing any taxes and the authority ought to pay them back for their investment before they start distributing those excess revenues.

I would again make sure that the committee recognizes the fact that the majority of what you have in front of you, with the exception of the technical changes I referenced, we have adopted what this commission has done. They have put six months of hard work and it does have a lot of input from the local officials. However, this is an opportunity, as I indicated, not just for the seacoast area, but for the whole State. I think the economic opportunity there to develop industry or develop new industries will be beneficial not just to Ports-

mouth and Newington and Strafford County but will be beneficial to the whole State. So I stand here today with a piece of legislation that I think this whole Senate should support because ultimately I think this is going to be a very positive opportunity for the State of New Hampshire.

SENATOR CHARBONNEAU: Senator Dupont, in order to bond further, will it have to come back to the legislature, or will the commission have the right to proceed with the bonding?

SENATOR DUPONT: Senator, the commission is similar to other authorities that we have out there such as the Industrial Development Authority, the New Hampshire Housing Finance Authority. We have given them the power to bond the \$750 million without a specific vote of the legislature. It is not a part of State government.

SENATOR KRASKER: My district, 24, is the district that includes Newington, Portsmouth and Greenland. I am going to vote for SB 351 at the present time because I do intend to offer an amendment when the bill is open to amendment. I just want you all to know that the communities that I represent have recognized from the very beginning that the development of what was Pease Air Force Base is very, very vital to the economy of the whole area and so there has been cooperation and participation by Portsmouth, by Newington from the very beginning. What they have tried to do is act in sort of an equal partnership with the State. So I certainly am supportive to the concept of the authority and moving it forward as quickly as possible. But as I said, I will be offering an amendment after this vote is taken.

SENATOR JOHNSON: Senator Dupont, the figure of \$750 million bonding authority was reported by you. Can you tell the Senate how that money is likely to be spent and what sort of plan is in place now against which that money would be spent?

SENATOR DUPONT: Senator, there is no plan in place at the present time. The \$750 million is an estimate that has been put forward by the commission, given the scenario where the federal government were to go out and have the property appraised as industrial land at current market values for land in the seacoast area. A significant portion of the bonding authority could go to purchase the land. Subsequent to that, there could be a sale of the land to pay off those bonds to interested users who would like to locate there or lease of those lands to interested users to pay the bonds. The reality is the federal government can't just deed over this land without getting fair market value for it.

SENATOR JOHNSON: Has there been any sort of specific appraisals so that we would have a better idea about what kind of money we are talking about?

SENATOR DUPONT: Senator, there is a study being done by Bechtel Corporation to look at redevelopment of the base. I would assume that as part of that study they would probably have some numbers available as to what the total package would require. At this point in time, there is not a clear definition of what would be the airport district, which will be acquired through the FAA, and what will be the general land that would remain to be part of the remaining parcel and what would be wildlife refuge area. The answer is this. It is an estimate. It is not a hard number.

SENATOR JOHNSON: Given the answer that you have just provided me, Senator Dupont, aren't we really asking ourselves to give essentially a blank check of up to \$750 million to this authority?

SENATOR DUPONT: Well, Senator, I think that is one of the reasons why you see the amendments that we brought in to try and make sure that the State's concerns are recognized in that area. There have been many comments from the seacoast, most of them positive about the commission that we have established and I would further add that one of the strong feelings that I have about this is that we need to have a committee that has the ability to act to make things happen there. I would only caution you that if we want to tie their hands from the start by not giving them the ability to acquire the base that that is not going to be the right way to start. I can't stand here and guarantee to the dollar why they need \$750 million.

SENATOR NELSON: Senator Dupont, I have a question or two. Number one, is this a normal procedure? I mean, do we usually put a commission in and then allow them to vote on bonding of this nature?

SENATOR DUPONT: I can't tell you the exact number that New Hampshire Housing Finance has outstanding in bonds, but if you have followed what they have done, or the Industrial Development Authority, it is not unusual for us to do this. And given the fact that this is of such significant importance to the State, I feel very strongly that we do need to give them the tools. Do I want to see them spend \$750 million, the answer is no.

SENATOR NELSON: I noticed that where we are talking about so much money of the State of New Hampshire, and I do notice in the legislation you are requesting that notice be written to the trea-

surer; do you not think that it would be appropriate for the Treasurer of the State of New Hampshire to perhaps be a member of this committee?

SENATOR DUPONT: Senator, no, I don't think that is appropriate. This is, by choice of the existing commission, this is not a part of State government. I feel very confident that when the Senate President appoints somebody to this commissioner, when the Governor appoints someone, when the Speaker of the House appoints someone, those appointments are going to be of a nature that is going to recognize the importance of dealing with the bonding issue in a responsible manner. I have faith that that process will take place in an orderly fashion.

SENATOR NELSON: You said that this should not be part of State government, yet, you are expressing that one third of the membership on this board hold a public office. I find it hard with that many people on there, and people from the local area being excluded, I was wondering how you came to this decision?

SENATOR DUPONT: We did not exclude the people from the local area. In this commission, the mayor and council in Portsmouth and the town of Newington will actually have a hand in five of the appointments. They will each have an individual appointment and they will play a role in two other appointments jointly with the Speaker and the Senate President and Governor. I think that if you look at the existing commission, you will find that yes, there has been some controversy, but the point I am trying to make is this commission is not being put into place to recognize political interests that have been involved in the first commission. It is a group of, hopefully, business people that will have the responsibility for putting this development forward.

SENATOR PODLES: Senator Dupont, could you tell me if at anytime a member of the commission can be removed?

SENATOR DUPONT: Yes, they can Senator.

SENATOR PODLES: Could you give us some examples?

SENATOR DUPONT: There is specific language that deals with removal. It deals specifically with conflict of interest. Also, I would point out that there is a term of office for each one of the members of the commission that is established so that they will be coming off. It is not something that they will be serving on for any long period of time. Basically, if you go to page 19, there is a schedule of when the appointments run out. They are two, three and four year terms.

SENATOR JOHNSON: I am going to vote against this amendment for a number of reasons, the most specific one of which is that we are being asked to provide bonding authority of up to three quarters of a billion dollars, and there is no evidence that has been offered to us as to how that money is going to be spent. It would seem to me that we ought to go through something comparable to our own State budget process, whereby the commission would come forward with some sort of a budget against which this body could vote, rather than just allowing this \$750 million to be available to them. I think Senator Dupont talked about urging the committee to look carefully at this Pease issue, and I would certainly agree with that and that is one of the reasons I am going to vote against it right now, because I feel like I am being rushed on this. We have again a major piece of public policy legislation that comes out of a major amendment in our calendar: I think we ought to get ourselves lined up and understood and know how we are going to spend this money before we vote it in.

SENATOR KRASKER: Senator Dupont, am I correct that the State is only guaranteeing for \$100 million of the bonds?

SENATOR DUPONT: That is correct, Senator. We are guaranteeing a hundred million dollars to get this authority off, and I would also tell you that one of the reasons that the legislature shouldn't have authority over the oversight of the expenditures of these monies, if you were a large corporation that wants to move into Pease Air Force Base and in order to do that you need a vote of the legislature, I want to know if that is an expeditious way to get this property developed and the answer to that is no. So while you should have concern about the \$100 million of State bonding authority, but you ought to be concerned with who gets appointed to this commission and people have enough statutes so that this can be brought forward.

Amendment to SB 351-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the Pease Air Force Base development authority
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Pease Development Authority. Amend RSA by inserting after chapter 12-F the following new chapter:

CHAPTER 12-G

PEASE DEVELOPMENT AUTHORITY

12-G:1 Declaration of Purpose.

I. The general court recognizes that the closure and redevelopment of Pease Air Force Base is a matter of great concern for the town of Newington, the city of Portsmouth, the seacoast region and the state of New Hampshire. Therefore, the general court finds that a comprehensive study of all issues related to the closure and redevelopment of Pease Air Force Base are necessary to ensure proper planning and optimal use of the property. The study shall have as a primary concern the impact of the closure and redevelopment of Pease Air Force Base on the economies, environment and quality of life of the affected communities, the seacoast region and the state.

II. The general court further recognizes that the economies, environment and quality of life of the affected communities, the seacoast region and the state will depend on the speedy and proper redevelopment of Pease Air Force Base. Thus, it is hereby declared to be in the public interest and to be the policy of the state to foster and promote the redevelopment of Pease Air Force Base by implementing the comprehensive conversion and redevelopment plan prepared by the former Pease Air Force Base redevelopment commission.

III. It is further declared that creation of a development authority to implement the comprehensive conversion and redevelopment plan and to promote, oversee and integrate the development of Pease Air Force Base is in all respects for the benefit of the affected communities, the seacoast region and the state and for the improvement of their welfare and prosperity, including the creation of employment and other business opportunities. It is also the intent of the general court that the authority be empowered to assume from the Pease Air Force Base redevelopment commission the responsibility for obtaining federal approval of the comprehensive conversion and redevelopment plan and complete any steps in the planning process that may remain incomplete as of July 1, 1990, and to create a development authority with the power, duties and authority to implement all aspects of the comprehensive conversion and redevelopment plan subject to provisions of this chapter, including without limitation, taking title to any or all of Pease Air Force Base.

12-G:2 Definitions. In this chapter:

I. "Airport district" means the property conveyed, granted or otherwise transferred to the authority by the federal government or any agency thereof pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), as amended.

II. "Appointing authorities" means the governor and executive council, the president of the senate, the speaker of the house of representatives, the mayor and city council of the city of Portsmouth, and the board of selectmen of the town of Newington.

III. "Authority" means the Pease development authority.

IV. "Board" means the board of directors of the authority.

V. "Bond" means any bond, note, or other evidence of indebtedness issued under this chapter.

VI. "Commission" means Pease Air Force Base redevelopment commission established pursuant to 1989, 3:2.

VII. "Director" means a member of the board.

VIII. "Excess revenues" means those revenues in excess of the funds identified in the audit performed pursuant to RSA 12-G:25 required (a) to pay the costs of operating, maintaining and repairing all property and projects of the authority, (b) to pay the costs of administering and operating the authority, including, but not limited to, all wages, salaries, benefits and other expenses authorized by the board or the executive director, (c) to pay the principal of, premium, if any, and the interest on the outstanding bonds of the authority as the same become due and payable, (d) to create and maintain reserves established pursuant to RSA 12-G:14 or required or provided for in any resolution authorizing, or any security document securing, such bonds of the authority, (e) to create and maintain a capital improvement fund to be established by the board in an amount not more than \$10 million, and (f) to pay all taxes owed by the authority. In addition, excess revenue shall not include any revenues generated from property transferred or conveyed to the authority pursuant to section 13(g) of the Federal Surplus Property Act of 1949, 50 U.S.C. App. 1622(g), as amended, within the airport district, unless the board and the federal Aviation Administration deem such revenues to be excess revenues within the meaning of this chapter. However, any revenues generated from improvements on such property after the date of conveyance or transfer may be deemed by the board to be excess revenues within the meaning of this chapter.

IX. "Land use controls" means all municipal ordinances and requirements or rules of the authority regulating the use, development and improvement of property, including, but not limited to, zoning ordinances, subdivision regulations, site plan review regulations, and building, electric, plumbing and fire codes.

X. "Pease Air Force Base" means all land, easements, buildings, structures and appurtenances owned or controlled by the United States Department of Defense on January 1, 1990, in the towns of Newington and Greenland, or the city of Portsmouth.

XI. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership,

association, state (including the state of New Hampshire), municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XII. "Property" means all real property and tangible and intangible personal property, rights, and facilities of the authority.

XIII. "Project" means the development, construction, reconstruction, maintenance or operation of any property of the authority or of any airport by the authority, including all real property and tangible and intangible personal property, structures, machinery, equipment, and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers, and freight or as part of aviation operation, air navigation, and air safety operation.

XIV. "Resolution" means:

(a) The statements of intent adopted by formal vote of the commission on the dates set forth below and related to the following:

(1) The New Hampshire Air National Guard on August 1, 1989.

(2) The Pease Air Force Base trash-to-energy plant on August 15, 1989.

(3) The proposed wildlife refuge at Pease Air Force Base on August 29, 1989.

(4) Asbestos in housing at Pease Air Force Base on October 10, 1989.

(5) The provision of health care for military retirees on October 24, 1989.

(b) Any other statement of intent designating a resolution and adopted by the commission since March 20, 1989.

XV. "Revenues" means the gifts, contributions, and appropriations from any source and the rents, profits, fees, charges, receipts, and other income derived or to be derived by the authority from the purchase, sale, leasing, or development of Pease Air Force Base and the operation of related facilities located thereon and all right to receive the same, including investment earnings and the proceeds of any borrowing hereunder or of any sale or disposition or insurance of any assets of the authority.

XVI. "Security document" means any trust agreement, security agreement or resolution authorizing the issuance of or securing bonds.

XVII. "State" means state of New Hampshire.

12-G:3 Pease Development Authority Established.

I. There is hereby created a body politic and corporate having a distinct legal existence separate from the state and not constituting a department of state government, to be known as the Pease Devel-

opment Authority, to carry out the provisions of this chapter. The authority is hereby deemed to be a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of public and essential governmental functions of the state.

II. Any resolution or contract executed or approved by or on behalf of the commission shall be binding on, shall inure to the benefit of, and shall be performed by, the authority whether so expressed or not. All rights, title, and interest in and to all assets and all obligations and liabilities of the commission vested in or possessed by the commission on July 1, 1990, shall vest in and be possessed, performed, and assumed by the authority. The passing of rights, remedies, duties, covenants, agreements, and obligations in accordance with this paragraph shall not increase or diminish them.

III. Nothing in this chapter shall be construed as requiring the authority to assume, adopt or otherwise be bound by the bylaws, votes or decisions of the commission or any advisory committee thereof except as set forth in paragraph II.

12-G:4 Management by Board of Directors; Executive Director.

I. The management of the authority shall be vested in a board of 7 directors to be appointed as follows:

(a) one member appointed by the governor and executive council.

(b) one member appointed by the mayor and city council of the city of Portsmouth.

(c) one member appointed by the board of selectmen of the town of Newington.

(d) One member appointed by the president of the senate.

(e) One member appointed by the speaker of the house of representatives.

(f) Two members of the general public, one of whom shall be a resident of Strafford county, appointed by a majority of the appointing authorities.

II. The governor with the consent of the council shall appoint the chairman of the board, who shall serve in that capacity at the pleasure of the governor and council. Directors shall hold office for 3 years and until their successors shall have been appointed. Directors may be removed from office pursuant to the provisions of RSA 4:1.

III. Four members of the board shall constitute a quorum. A minimum of 4 affirmative votes shall be required for any action of the board.

IV. The directors shall serve without compensation from the authority, except for such incidental expenses determined by the board to be necessary and incurred while performing business of the authority.

V. Directors shall be residents of the state. No director shall be an elected public official of the state, or federal government or any political subdivision thereof.

VI. The board shall appoint an executive director, who shall be the chief executive and administrative officer of the authority and who shall have general and active supervision and direction over the day-to-day business and affairs of the authority and its officers and employees, subject, however, to the direction and control of the board. The executive director shall perform all such other duties as from time to time may be assigned to him by the board. The executive director shall hold office for an indefinite term at the pleasure of the board. The executive director shall also be the secretary of the authority, shall keep a record of the proceedings of the authority, and shall be the custodian of all books, documents, and papers filed with the authority and of its minute book and seal. He shall have the power to cause copies to be made of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates. The executive director shall employ such assistants, legal counsel, clerical and administrative staff as necessary and within limits of funds available for that purpose. The executive director may from time to time, with the prior consent of the board, establish and maintain such operating divisions within the authority as he shall deem necessary for the proper and efficient conduct of business under this chapter, and may assign such staff members to any such division. The salary of the executive director shall be established by the board.

12-G:5 Disqualification of Member. If any director, or the spouse or issue of any director, shall be interested either directly or indirectly or shall be a director, officer or employee of or have an ownership interest in any firm or corporation interested directly or indirectly in any contract or other matter with the authority, including any loan to any eligible mortgagor or loan to or purchase of any loan from any lending institution, such interest shall be disclosed to the board and shall be set forth in the minutes of the board. The member having such interest shall not participate on behalf of the authority in any proceedings or decision relating to such contract or matter.

12-G:6 Duties.

I. The authority assumes from the commission and shall perform the following duties:

(a) Monitor the proposed closing of Pease Air Force Base.

(b) Conduct a comprehensive study of all issues related to the closure, conversion, redevelopment and future use of Pease Air Force Base. This study shall have as a primary concern the impact of

the closure and redevelopment of Pease Air Force Base on the economies, environment and quality of life of the affected communities, the seacoast region and the state.

(c) Review all options relative to the most appropriate use of Pease Air Force Base.

(d) Formulate and adopt a comprehensive plan for conversion and redevelopment of Pease Air Force Base and submit this plan to the appointing authorities at least 30 days prior to formal submission to the federal authorities.

(e) Submit the comprehensive plan for the conversion and redevelopment of Pease Air Force Base to the appropriate agency or agencies of the federal government.

II. The authority shall at all times act in a manner which is consistent with the public good and pursuant to this chapter shall seek to implement the comprehensive plan for the conversion and redevelopment of Pease Air Force Base identified in paragraph I.

12-G:7 Incorporation; Powers. The authority shall have all of the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power:

I. To sue and be sued in all courts and to initiate or participate in actions and proceedings, whether judicial, administrative, arbitral or otherwise.

II. To have a corporate seal, and to alter such seal at pleasure and to use it by causing it or a facsimile to be affixed or impressed or reproduced in any other manner.

III. To appoint or employ architects, engineers, attorneys, accountants, and such other advisors and employees, consultants, and agents as may be necessary in its judgment without regard to any personnel or civil service law or rule of the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

IV. To purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with property or any interest therein, whether tangible or intangible, for its purpose.

V. To sell, convey, lease, exchange, transfer, abandon or otherwise dispose of, or mortgage, pledge or create a security interest in, all or any of its property or any interest therein.

VI. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor, supplies, or services from the United States of America or the state or their agencies or departments, or any political subdivision thereof, or any other person, to carry out the terms or provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any and all things necessary,

useful, desirable, or convenient in connection with procuring, accepting, or disposing of such gifts, loans, or grants.

VII. To purchase, take, receive, subscribe for, or otherwise acquire, hold, make a tender offer for, vote, employ, sell, lend, lease, exchange, transfer or otherwise dispose of, mortgage, pledge or grant a security interest in, use or otherwise deal in and with, bonds and other obligations, shares or other securities or interests therein issued by others, whether engaged in a similar or different business or activity.

VIII. To make and execute agreements, contracts and other instruments necessary or convenient in the exercise of the powers and functions of the authority under this chapter, including contracts with any person, firm, corporation, municipality, state agency, governmental unit, or other entity, foreign or domestic.

IX. To borrow money at such rate or rates of interest as the authority may determine, issue its notes, bonds, or other obligations to evidence such indebtedness, and secure any of its obligations by mortgage or pledge of all or any of its property or any interest therein, tangible or intangible, whether then owned or thereafter acquired.

X. To arrange for guaranties of its notes, bonds, or other obligations by the federal government or the state or by any private insurer or otherwise, and to pay any premiums therefor.

XI. To issue such notes, bonds, or other obligations, whether or not the income therefrom to the holders is exempt from federal income taxation.

XII. To purchase notes, bonds, or other obligations of the authority at such price or prices, in such manner, and upon such terms as the authority may determine.

XIII. To invest and reinvest its funds, and take and hold property as security for the payment of funds so invested.

XIV. To procure insurance against any loss in connection with its property or projects in such amount or amounts and from such insurers, including the federal government or the state, as it may deem necessary or desirable, and to pay any premiums therefor.

XV. To enter into and perform contracts and agreements, whether or not they may be deemed to constitute indebtedness under applicable law, for the joint and separate planning, financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership, mortgaging, leasing, sale, disposal of or other participation in facilities, products or services of any person who engages in business on property owned or controlled by the authority.

XVI. To maintain a principal office in the state and an office or offices at such other place or places as it may determine.

XVII. To make any inquiry, investigation, survey, feasibility study or other study which the authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

XVIII. To apply to the appropriate agencies and officials of the federal government and the state for licenses, permits or approvals of its plans or projects as it may deem necessary or advisable, and to accept such licenses, permits or approvals as may be tendered to it by such agencies or officials, upon such terms and conditions as it may deem appropriate.

XIX. To make bylaws and establish committees for the management and regulation of its affairs as it may deem necessary, and subject to agreements with bondholders, to make rules pursuant to its own procedures for the use of its projects and property, including but not limited to zoning, subdivision and site plan review regulations, and building, electric, plumbing and fire codes, and to establish and collect rentals, fees, and all other charges for the use of projects under the jurisdiction of the authority and for services or commodities sold, furnished, or supplied by the authority.

XX. To design, construct, maintain, operate, improve, and reconstruct such projects as shall be consistent with the purposes and provisions of this chapter; including without limitation the maintenance and development of aviation services, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project and also to contract for the construction, operation, or maintenance of any parts thereof, or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

XXI. To take such other action as it may deem necessary and advisable in the furtherance of the purposes of this chapter.

12-G:8 Coordination with State and Federal Governments.

I. In addition to any other duties set forth in any provision of this chapter, the authority shall coordinate with, and provide information to, the United States Department of Defense, and any official or employee thereof, regarding any matter related to the ownership, condition, closure, conversion, redevelopment, or future use or operation of Pease Air Force Base. Notwithstanding any other provision of law, no political subdivision of the state shall submit any plan regarding the closure, conversion, redevelopment or future use or operation of Pease Air Force Base without the prior approval of the authority.

II. Notwithstanding any provision of law, neither the state nor its political subdivisions, nor any agency or governmental unit thereof, may apply for or receive pursuant to any provision of federal law any funds, grants or other assistance from the Office of Eco-

monic Adjustment within the United States Department of Defense relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior approval of the authority. Neither the state nor its political subdivisions, nor any agency or governmental unit thereof, shall apply for or receive any funds, grants or other assistance from any agency of the federal government relative to the closure, conversion, redevelopment, or future use of Pease Air Force Base without prior notification to the authority. The provisions of this paragraph shall not apply to the adjutant general nor to school administrative units for the city of Portsmouth or the town of Newington.

III. Except for the adjutant general and notwithstanding any other provision of law, the authority shall be the only person in the state authorized to negotiate, purchase or otherwise obtain on behalf of the state or any of its political subdivisions any fee ownership, easement, lease or other property interest in any property in, or on a part of, Pease Air Force Base, except that the town of Newington may negotiate for and reacquire from the federal government the "Old Stone School" and associated yard located on Nimble Hill Road and the city of Portsmouth may negotiate for and acquire Jones School and Brackett School and associated yards located on Northwood Road and Rockingham Drive, respectively. The board may grant exemptions in its sole discretion from this provision to the state and any political subdivision thereof on such terms and conditions as it may deem appropriate.

IV. Notwithstanding any other provision of law, the authority shall be the only person authorized in the state to accept on behalf of the state or any of its political subdivisions any title to, or any other interest in, the runway, taxiways, parking aprons, hangars, control tower, airspace or other property or related facilities at Pease Air Force Base, from the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), as amended.

V. Notwithstanding any other provision of law, public employees and appointed officials of the state and any of its political subdivisions may serve, if appointed in accordance with the provisions of this chapter, as directors of the authority. Any such public employee or official shall serve without compensation, except that such officials and employees may be reimbursed by the authority for such incidental expenses established by the board.

12-G:9 Local Land Use Regulation.

I. Notwithstanding any other provision of law, any and all land use controls of the town of Newington and the city of Portsmouth shall not apply to any of the property at Pease Air Force Base transferred, conveyed or otherwise granted to the authority by the federal government or any agency thereof. The authority shall have the

exclusive jurisdiction in adopting, establishing and enforcing land use controls for the property at Pease Air Force Base transferred, conveyed, or otherwise granted to the authority by the federal government or any agency thereof.

II. The authority shall have the sole power to adopt such land use controls as it deems appropriate, including, without limitation, regulations to establish zones, building codes, subdivision regulations, site plan review and fire codes in order to implement the comprehensive conversion and redevelopment plan prepared by the commission. All land use controls and amendments to such controls shall be enacted in accordance with the rules of procedure adopted by the authority. All land use controls enacted by the authority shall be filed in the Rockingham county registry of deeds, the clerk's office for the town of Newington, and the clerk's office for the city of Portsmouth.

III. In adopting land use controls, the authority shall determine uses and restrictions which are consistent with the comprehensive conversion and redevelopment plan prepared by the commission and shall give due consideration to the master plans and the land use controls of the town of Newington and the city of Portsmouth.

IV. The land use controls and any amendments to them adopted by the authority shall apply to all property at Pease Air Force Base acquired by the authority from the federal government or any agency thereof, and shall remain applicable and enforceable after the sale, lease, assignment or other transfer of any or all of such property to any person by the authority.

V. Notwithstanding any provision of this section, the authority shall not permit any development of the property designated a wildlife refuge or preserve by the authority.

12-G:10 Limitations on State and Local Taxation; Provision of Services.

I. The exercise of the powers granted by this chapter shall be in all respects for the benefit of the people of the state, for their well-being and prosperity and for the improvement of their social and economic conditions, and, except as provided in paragraph II the authority shall not be required to pay any tax or assessment on any property or project owned by the authority under the provisions of this chapter or upon the revenues from such property or project, nor shall the authority be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf. Nothing in this section shall be construed to exempt any transferee, lessee or tenant of the authority from paying any recording fee or transfer tax required by state law.

II. No municipal tax or assessment shall be levied on any property purchased, transferred or otherwise conveyed to the authority

by the federal government or any agency thereof, including but not limited to the airport district or any project, building, improvement or leasehold interest located thereon, regardless of subsequent ownership or control, except as provided in paragraph III. All other property located at Pease Air Force Base shall be subject to all municipal taxes and assessments allowed by law.

III. The board of selectmen of the town of Newington and the mayor and city council of the city of Portsmouth may mutually agree to subject property outside of the airport district purchased, transferred or otherwise conveyed to the authority by the federal government or any agency thereof, including projects, buildings, improvements and leasehold interests located thereon, whether owned or controlled by the authority or another person, to all municipal taxes or assessments allowed by law, except as limited by the provisions of paragraph IV. If the board of selectmen and the mayor and city council elect pursuant to this paragraph to levy such taxes and assessments, the town and the city shall be obligated to provide such municipal services as required by law. If the board of selectmen and the mayor and city council elect not to levy such taxes and assessments, the town and the city may jointly agree to provide municipal services to property outside of the airport district purchased, transferred or otherwise conveyed to the authority by the federal government or any agency thereof, including projects, buildings, improvements and leasehold interests located thereon, whether owned or controlled by the authority or another person, by entering into a contract with the authority and receiving payment for such services in lieu of taxes. No decision by the board of selectmen or the mayor and city council to impose taxes upon, or enter into an agreement for the provision of services to, the authority under this paragraph shall be effective, unless such municipal officials agree to the same course of action under this paragraph. If the board of selectmen and the mayor and city council do not both elect to levy taxes and assessments under this paragraph or do not both enter into contracts for the provision of municipal services, the authority will be responsible for providing all property outside of the airport district purchased, transferred or otherwise conveyed to the authority by the federal government or any agency thereof, including projects, buildings, improvements and leasehold interests located thereon, whether owned or controlled by the authority or another person, with necessary services, except as provided in paragraph V.

IV. If the board of selectmen and the mayor and city council elect to levy taxes and assessments pursuant to the provisions of paragraph III, no taxes or assessments may be levied on the property described in paragraph III until such property is sold, leased or rented by the authority. Notwithstanding the foregoing, such prop-

erty or any leasehold interest in or building or improvement on such property may not be subject to any tax or assessment in excess of 25 percent of the equalized assessed value of such property, leasehold interest, improvement or building prior to occupancy by such person, for a period not to exceed 3 years from the date of transfer or conveyance from the authority. Occupancy shall be defined by the authority under RSA 12-G:9, II. In the case of property leased or rented from the authority, the lessee or tenant of such property shall pay all taxes duly assessed against such property no later than the due date. If the lessee or tenant fails to pay such duly assessed taxes on or before the date due, the tax collector of the municipality in which the property is located shall notify the authority that such taxes remain unpaid, and such obligation shall become an obligation of the authority. Upon payment by the authority of any tax, costs and interest due upon any such property, the authority shall be entitled to be reimbursed for any such payment and reasonable attorney's fees from the lessee or tenant of such property and shall have a lien upon any personal property, including but not limited to equipment, of the lessee or tenant, which lien shall continue in force for 2 years from the date the tax was paid or until the lessee or tenant reimburses the authority.

V. Notwithstanding any other provision of law:

(a) The authority shall be empowered to enforce all the laws of the state and any rules rules adopted by the authority pursuant to RSA 12-G:7, XIX within the airport district and on any other property purchased, transferred or otherwise conveyed to the authority by the federal government or any agency thereof, regardless of subsequent ownership or control. The authority may employ or appoint such persons as it deems necessary to enforce such laws and rules. Any such person employed or appointed by the authority shall have the powers of a peace officer and shall be authorized to make arrests under RSA 594 and to apply for and execute warrants under RSA 595-B.

(b) The provision of all other services to land, buildings and people in the airport district, and on any other property purchased, transferred or otherwise conveyed to the authority by the federal government or agency thereof, regardless of subsequent ownership or control, which are traditionally provided by municipalities shall be exclusively the responsibility of the authority. These services shall include, but not be limited to, the provision of fire protection, roadway maintenance, runway and parking apron maintenance, maintenance of all underground storage facilities, public assistance, public education and public utilities. In accordance with the provisions of RSA 12-G:7, VIII, the authority may contract with any person for the provision of these services.

12-G:11 Distribution of Excess Revenues.

I. Excess revenues of the authority may be distributed by the board annually within 30 days of end of the authority's fiscal year as follows:

(a) 50 percent to the state treasurer for deposit in the general fund.

(b) 50 percent to the town of Newington, the town of Greenland, and the city of Portsmouth, to be distributed based upon the ratio of the equalized assessed value of the real property within the boundaries of Pease Air Force Base, but not including the airport district, located within the town or city limits of each municipality to the total equalized assessed value of all such property.

II. Before any excess revenues are distributed pursuant to subparagraphs I(a) and (b), the authority shall reimburse in full on a pro rata basis the state, the town of Newington and the city of Portsmouth for all funds provided to the commission or authority since March 30, 1989.

III. The annual report prepared by the authority pursuant to RSA 12-G:25 shall include a detailed explanation of any distribution of excess revenues made pursuant to this section or of any decision by the board not to make such distribution.

12-G:12 Limited Liability of State and Municipalities. All obligations incurred by the authority, whether arising from notes, bonds, contracts, or otherwise, shall be corporate obligations of the authority and not general obligations of the state or any political subdivision thereof, and neither the full faith and credit nor the taxing power of the state nor any political subdivision thereof is pledged to support such obligations, except as provided in RSA 12-G:26, nor shall they be deemed a debt of the state or any political subdivision thereof in determining its borrowing capacity under any applicable law.

Pease Development Authority Bonds

12-G:13 Issuance of Bonds. The authority may issue bonds which shall be obligations of the authority and not general obligations of the state, except as provided in RSA 12-G:26. Such bonds may be issued from time to time consistent with the purposes and provisions of this chapter, including, without limitation, financing the pre-acquisition costs and other costs of acquisition of any property or interest therein at Pease Air Force Base, or for any costs incurred in undertaking any project authorized by this chapter, or for paying or refunding any bonds issued pursuant to this section or interest thereon. The principal of, premium, if any, and interest on all bonds shall be payable solely by the authority in accordance with the provi-

sions of this chapter. Prior to each new issuance of bonds, the authority shall provide written notice to the state treasurer of the maximum amount of bonds proposed to be issued. The bonds shall be issued by the authority in such amounts as the board shall determine, not exceeding in the aggregate \$750,000,000. Bonds of each issue shall be dated, shall bear interest at such rate or rates, including rates variable from time to time as determined by such index, banker's loan rate or other method as may be determined by the board, and shall mature at such time or times as may be determined by the board, except that no bonds shall mature more than 30 years from their date of issue. Bonds may be made redeemable before maturity either at the option of the authority or at the option of the holder, or upon the occurrence of specified events, at such price or prices and under such terms and conditions as may be fixed by the board prior to the issuance of the bonds. The board shall determine the form and details of the bond. Subject to RSA 93-A, the bonds shall be signed by at least 4 members of the board. The bonds may be sold in such manner, either at public or private sale, for such price, at such rate or rates of interest, or at such discount in lieu of interest as the board may determine.

12-G:14 Security Documents. Any bonds issued under this chapter may be issued pursuant to and entitled to the benefits of a security document between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state, or by a security document directly between the authority and the purchasers of the bonds, and such security document shall be in such form and executed in such manner as may be determined by the board. Such security document may include the mortgage, pledge, or grant of a security interest in any property of the authority and may pledge or assign, in whole or in part, the revenues held or to be received by the authority, any contract or other rights to receive the revenues, whether then existing or thereafter coming into existence and whether then held or thereafter acquired by the authority, and any proceeds thereof. Such security documents may contain provisions for protecting and enforcing the rights, security and remedies of the bondholders as may, in the discretion of the board, be reasonable and proper and not in violation of law. Such security documents may include provisions defining defaults and providing for remedies in the event of defaults, which may include the acceleration of maturities and the enforcement of any mortgage, pledge or security interest, and covenants setting forth the duties of, and limitations on, the authority in relation to the custody, safeguarding, investment and application of moneys, the issue of additional or refunding bonds, the fixing, revision and collection of rates, charges and other revenues, the use of

any surplus bond proceeds, the establishment of reserves, the acquisition of any property or interest therein or undertaking of any project, any contracts relating thereto and subsequent amendments of such provisions and contracts. It shall be lawful for any bank or trust company to act as a depository or trustee of the proceeds of bonds, revenues or other moneys under a security document and to furnish such indemnification or to pledge such securities and issue such letters or lines of credit or credit facilities as may be required by the authority acting under this subdivision. Any such security document may set forth the rights and remedies of bondholders and of the trustee and may restrict the individual right of action by bondholders.

12-G:15 Credit Facilities and Insurance. Any bonds issued under authority of this subdivision may be issued pursuant to lines of credit or other banking arrangements under such terms and conditions not inconsistent with this chapter, and under such agreements with the purchasers or makers thereof, as the board may determine to be in the best interests of the authority. In addition to other security provided herein or otherwise by law, bonds issued by the authority under this subdivision may be secured, in whole or in part, by insurance or by letters or lines of credit or other credit facilities issued to the authority by any bank, trust company or other financial institution, within or without the state, and the authority may make any pledge, mortgage, assignment or security interest in respect of its property and revenues as security for the reimbursement by the authority to the issuers of such letters or lines of credit, insurance or credit facilities or any payments made thereunder.

12-G:16 Perfection and Priority of Mortgage, Pledge or Security Interest. Any mortgage, pledge or security interest made by the authority under this subdivision shall be valid and binding and shall be deemed continuously perfected for the purposes of RSA 382-A and all other laws from the time when the mortgage, pledge or security interest is made. The property or revenues so mortgaged, pledged or subjected to a security interest then held or thereafter acquired or received by the authority shall immediately be subject to the lien of such mortgage, pledge or security interest without any physical delivery or segregation thereof or further act. The lien of such mortgage, pledge or security interest shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. No such property or revenues may be used in a manner inconsistent with the terms governing such mortgage, pledge or securities interest. Any agreement by which a pledge or security interest in personal property is created under this subdivision shall be filed or recorded in the records of the secretary of state.

Any mortgage or other agreement by which a security interest in real property is created under this subdivision shall be filed with the register of deeds for Rockingham county.

12-G:17 Enforcement of Rights. Any owner of a bond issued under the provisions of this subdivision and any trustee under a security document securing the same, except to the extent the rights given in this section may be restricted by such security document, may bring suit upon the bonds and may, either at law or in equity, by suit, action, mandamus, or other proceeding for legal or equitable relief, protect and enforce any and all rights under the laws of the state granted hereunder or under such security document and may enforce and compel performance of all duties required by this chapter or by such security document to be performed by the authority or by any director or officer of the authority.

12-G:18 Refunding Bonds. The authority, when authorized by the board, may issue refunding bonds for the purpose of paying any bonds issued under the provisions of this subdivision at or prior to maturity or upon acceleration or redemption. Refunding bonds may be issued at such times prior to the maturity or redemption of the bonds being refunded as the board may determine. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium thereon, any interest accrued or to accrue to the date of payment of such bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other expenses from the proceeds of such refunding bonds as may be required by a security document securing the bonds. The authorization and issue of refunding bonds, the maturities and other details thereof, the security therefor, the rights of the holders thereof, and the rights, duties and obligations of the authority in respect to the same shall be governed by the provisions of this subdivision relating to the issue of bonds other than refunding bonds insofar as the same may be applicable.

12-G:19 Separate Funds. Any debt service fund, construction fund, debt service reserve fund or other fund established in connection with the issuance of bonds under this subdivision shall be kept separate from other moneys of the authority. The moneys deposited in any such funds, together with the income derived from any investments held as part of such funds, shall be expended without further authorization or appropriation as provided for in the security document establishing such funds.

12-G:20 Investment of Funds. Moneys in any fund or account created under the provisions of this subdivision, subject to the terms and provisions of any security document applicable thereto, may be invested. Except as otherwise provided by any such security docu-

ment, obligations so purchased as an investment of money in said fund or account shall be deemed at all times to be part of said fund or account, and the interest thereon and any profit arising from the sale thereof shall be credited to said fund or account, and any loss resulting on their sale shall be charged to said fund or account, respectively.

12-G:21 Alteration of Rights of Bondholders. The state does hereby pledge to and agree with the holders of bonds issued under this chapter that the state shall not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the said holders of such bonds or in any way impair the rights and remedies of such holders until such bonds, together with the interest on them, with the interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds.

12-G:22 Tax Exemption. Bonds issued under this subdivision and their transfer and income, including any profit made on their sale or transfer, shall at all times be exempt from all taxation by or within the state.

12-G:23 Investment Securities. Notwithstanding any of the provisions of this subdivision or any recitals in any bonds issued under this subdivision, all such bonds shall be deemed to be investment securities under RSA 382-A.

12-G:24 Eligible Investments. Bonds issued under the provisions of this subdivision are hereby made securities in which all public officers, agencies and authorities of the state and of its political subdivisions, insurance companies, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency, authority or political subdivision of the state for any purpose for which the deposit of bonds or obligations of the state or any political subdivision is now or may hereafter be authorized by law.

12-G:25 Audit and Annual Reports. The accounts of the authority shall be subject to an annual audit performed by an independent certified public accountant selected by the authority. The authority shall submit annually to all appointing authorities a detailed report of its operations and a complete financial audit for the preceding fiscal year, including financial statements prepared in accordance with generally accepted accounting principles.

12-G:26 State Bond Guarantee.

I. In view of the general public benefits expected to be derived from the property acquisitions and projects to be financed under this chapter, and their contribution to the social and economic prosperity of the state and its political subdivisions, the governor and council may award an unconditional state guarantee of the principal and interest thereon of bonds issued under this subdivision. The full faith and credit of the state shall be pledged for any such guarantees of principal and interest, but the total amount of the principal of bonds guaranteed by the state under this section shall not exceed \$100,000,000, plus interest. The governor, with the advice and consent of the council, is authorized to draw his warrant for such a sum out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section. The state's guarantee shall be evidenced on each guaranteed bond by an endorsement signed by the state treasurer in substantially the following form:

The state of New Hampshire hereby unconditionally guarantees the payment of the whole of the principal and interest thereon of the within bond and for the performance of such guarantee the full faith and credit of the state are pledged.

State Treasurer

II. In connection with the award of a state guarantee, the governor and council may impose such terms and conditions as they may deem appropriate concerning the bonds, the use of any property or operation of any project and the revenues therefrom, and reimbursement to the state if any state funds are used to honor the guarantee. Such terms and conditions may be contained in an agreement between the state and the authority, to be executed on behalf of the state by the governor and the state treasurer and on behalf of the authority by at least 4 directors.

12-G:27 Authorization to Seek Designation as Port of Entry or International Airport, and to Establish Foreign Trade Zone and Free Port Area.

I. The authority shall be and is hereby authorized to make application to the Secretary of the Treasury of the United States for the purpose of having Pease Air Force Base, or portions thereof, designated, established or constituted, a port of entry, or an international airport, pursuant to the Customs Reorganization Act, 19 U.S.C. section 1 et seq., as amended, and 19 U.S.C. section 58b, as amended, and regulations of the United States Customs Service, including 19 C.F.R. section 101.0, et seq. and 19 C.F.R. section 122.1, et seq.

II. The authority shall be and hereby is authorized to make application to the Secretary of Commerce of the United States for the

purpose of establishing, operating and maintaining foreign-trade zones at Pease Air Force Base, pursuant to the Free (Foreign) Trade Zone Act, 19 U.S.C. section 81a, et seq., as amended, providing for the establishment, operation and maintenance of foreign trade zones in or adjacent to ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes.

III. The authority shall have full power and authority to select and describe the location of the zone for which application to establish may be made and to make such rules and take such other actions concerning the operation, maintenance and policing of same as may be necessary to comply with the Free (Foreign) Trade Zone Act and the regulations adopted thereunder.

IV. The authority shall have full power and authority to lease the right or to erect, maintain and operate any structures or buildings or enclosures as may be necessary or proper for the establishing and operating of any such foreign trade zones that might be established at Pease Air Force Base.

V. The authority shall have the power and the duty to establish an area at Pease Air Force Base wherein personal property in transit shall be exempt from the provisions of the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry. For the purpose of this section, personal property in transit through the areas established by the port authority is defined as follows: goods, wares, and merchandise which is (a) moving in interstate or international commerce through or over the areas hereinbefore established, or (b) which was consigned to a warehouse, public or private, within the state, from outside the state, whether specified when transportation begins or afterward. Such property shall not be deprived of exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purposes of this chapter; provided, however, that the warehouse in which said goods, wares or merchandise is stored shall not be owned, in whole or in part, by either the consignee or consignor.

12-G:28 Construction and Effect of Other Laws.

I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-A.

II. Purchases and contracts of the authority may be made or let without regard to any provision of law relating to public purchases or contracts.

III. The authority shall be exempt from the provisions of RSA 541-A and may adopt rules and bylaws in accordance with its own procedures. The authority shall file in the office of legislative services a copy of all rules and bylaws adopted, amended or repealed by

the authority. All such rules and bylaws shall be filed in the office of legislative services within 7 days of such adoption, amendment or repeal.

IV. The provisions of this chapter shall be liberally construed in order to effect its purpose.

V. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Indemnification of Directors, Officers, and Employees. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks thereof, or any harbor master appointed by the New Hampshire port authority, officials and employees of the New Hampshire housing finance authority, or directors, officers and employees of the New Hampshire energy authority, **or directors, officers, and employees of the Pease development authority** seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and

hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

3 Claims Against the State; Definition of "Agency". Amend RSA 541-B:1, I to read as follows:

I. "Agency" means all departments, boards, offices, commissions, institutions, other instrumentalities of state government, **including but not limited to the New Hampshire port authority, the New Hampshire housing finance authority, the New Hampshire energy authority, and the Pease development authority,** and the general court, including any official or employee of same when acting in the scope of his elected or appointed capacity, but excluding political subdivisions of the state.

4 Transition; Initial Appointments to Board of Authority.

I. Within 30 days of the effective date of this section 5 directors shall be appointed to an initial term on the board of the Pease development authority as follows:

- (a) One director by the governor and executive council;
- (b) One director by the president of the senate;
- (c) One director by the speaker of the house of representatives;
- (d) One director by board of selectmen of the town of Newington; and
- (e) One director by the mayor and city council of the city of Portsmouth.

The directors appointed by the president of the senate and the speaker of the house of representatives shall be appointed to an initial term of 4 years; the directors appointed by the city of Portsmouth and the town of Newington shall be appointed to an initial term of 3 years; and the director appointed by the governor and

executive council shall be appointed to an initial term of 2 years. Subsequent appointments to the board and terms of office of the directors shall be governed by the provisions of RSA 12-G:4.

II. Within 30 days of the effective date of this section the appointing authorities listed in paragraph I above shall appoint by majority vote 2 members of the general public, at least one of whom is a resident of Strafford county, as directors of the authority. One of the directors appointed pursuant to this paragraph, to be determined by a majority of the appointing authorities listed in paragraph I, shall have an initial term of 3 years and the remaining director appointed pursuant to this paragraph shall have an initial term of 2 years. For the purposes of this paragraph, the governor and executive council shall have one vote, the president of the senate shall have one vote, the speaker of the house of representatives shall have one vote, the mayor and city council of the city of Portsmouth shall have one vote, and the board of selectmen of the town of Newington shall have one vote. Subsequent appointments to the board and terms of office of the directors shall be governed by the provisions of RSA 12-G:4.

III. Directors appointed pursuant to paragraphs I and II may be removed from office in accordance with the provisions of RSA 4:1. The directors of the authority shall not be empowered to exercise any authority or power of the authority or to carry on any other business of the authority prior to July 1, 1990.

5 Powers and Duties of Port Authority; Land Transportation Facilities. RSA 271-A:2, IV is repealed reenacted to read as follows:

IV. Plan, develop, maintain, use and operate land transportation facilities within a 15 mile radius of the port authority headquarters at Portsmouth, except for any such facilities presently or formerly within the confines of Pease Air Force Base or Department of Defense facilities used in support of Pease Air Force Base; and maintain, use and operate a heliport facility on property owned or controlled by the port authority. The authority shall cooperate with departments, agencies, authorities or commissions of the federal, state or local governments and accept grants, aid or services from such agencies in the carrying out of this purpose. Such authorization relating to land transportation and heliport facilities shall include and be governed by all other provisions of this chapter.

6 Repeal. The following are hereby repealed:

I. 1975, 351, relative to the closing of Pease Air Force Base.

II. 1989, 3, relative to the Pease Air Force Base redevelopment commission.

7 Termination. All committees and subcommittees established by the Pease Air Force Base redevelopment commission pursuant to 1989, 3, are terminated.

8 New Paragraph; Powers. Amend 1989, 3:4 by inserting after paragraph VII the following new paragraph:

VIII. To negotiate and enter into agreements, contracts or other instruments with any consultant, developer, real estate broker or other person for the purpose of advertising and marketing any property within the confines of Pease Air Force Base.

9 Appropriation. The sum of \$200,000 for the fiscal year ending June 30, 1991, is appropriated to the Pease development authority for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Effective date.

I. Section 4 and 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill establishes the Pease Air Force Base development authority. The authority shall be governed by a board consisting of 7 directors.

The bill outlines the duties and powers of the authority, including the power to issue bonds for the purposes of the authority.

The bill provides a formula for the distribution of excess revenues of the authority.

The bill repeals all previous session laws relative to the transition of Pease Air Force Base and the Pease redevelopment commission.

An appropriation is requested in this bill.

Amendment adopted.

Senator Krasker offered a floor amendment to SB 351-FN.

SENATOR KRASKER: The amendment which I am offering changes the composition of the authority as outlined by Senator Dupont which was the work of the Internal Affairs committee. I am going to take a minute in a round about way to tell you a little bit about Pease and let you know that Pease represents 17 percent of the land area of the City of Portsmouth. It is 50 percent of the land area in the town of Newington. So it is very important to those communities and from the beginning what they have wanted to have was an equal opportunity to affect the decisions that are going to be made which effect them. From the very beginning, there was a very delicate balance that was achieved. Last year, we passed the Pease Authority Bill which had a balance of 4/4 state and local. That authority has been operating for a whole year. We knew that we were going to have to come up with a more permanent kind of commission

and so for months, the communities of Portsmouth and Newington and the State, through their attorneys, have gone through draft after draft, finally they reached the seventh draft. Everybody agreed to it. And this was the bill that was prepared which would have had a nine person commission, but with Portsmouth and Newington each having two votes apiece. This would have maintained the balance that they all agreed were in their best interest. Everyone who went to the public hearing, which was held a week ago, spoke favorably of this bill. Nobody proposed a change. And suddenly, we find a compromise which was adopted which was accepted by everybody has now been shattered. So what I propose to do is go back to the nine member authority which allows Portsmouth and Newington each to have two votes. It maintains the balance. I hope you all realize that this is very precedent setting if we allow the substitution of the new authority to go through. What has happened to my area can certainly happen anywhere in the State, where the State can go in and carve out a large segment of your community for their own purposes. Certainly, if that does happen, the local community should have equal representation with the State of New Hampshire in the decision making process that is going to effect them. Lastly, I maintain that the representation at the local level should be up to the local units of government. If they want elected officials to be their representative, they should have their right to do that. We talk all the time about local control and home rule. I think there is an additional issue and I call it one of fairness. I would hope that this body would look upon this as a fairness issue. I do not attempt to change the entire document, but certainly the composition of this authority which is going to be established is going to determine what happens there and, in fairness to the communities that I represent, I would hope that you would support my amendment.

SENATOR DUPONT: I rise in opposition to the floor amendment before you. I do nothing but give great support to Senator Krasker's fine speech about the concerns of the political officials in the two communities that she represents. I would say counter to that, State and Federal statutes are clear that when a military base or any federal facility is abandoned that the State in which that facility is located in, is given the first opportunity to secure that facility. In fact, as part of this process, we discovered a statute that is on the books that was passed back in 1988 giving the State sole jurisdiction over any facility. The fact of the matter is that we have a significant amount of bonds that are going to be issued by this authority. \$100 million and I believe some people voted against this bill as a result of that and if the State is going to have that type of fiscal or financial responsibility given to that authority, we ought to have a clear say

on what goes on with this authority. I didn't say it before, and I probably should say it now, I think this is probably one of the most important bills I have ever sponsored and probably the most important piece of legislation that we will have in front of us this year. I mentioned it earlier about the impact of what is happening with the closure of this base and the proposed federal cuts at the Portsmouth Naval Shipyard. The seacoast area isn't going to be a pleasant place to be if we don't finally get some good economic news. If this project wasn't so big, I think quite frankly that Newington and Portsmouth could undertake it by themselves. But, it is a large project. They don't have the financial resources to undertake the project. And, for that reason, I believe the structure is consistent with the commitment that the State of New Hampshire is showing. It is certainly an endeavor that the State doesn't have to be involved in, but I think the local communities will admit that they can't do it without the State.

Floor Amendment Failed.

Question is, shall the bill be passed and ordered to Third Reading?

Adopted. Ordered to Third Reading.

Senator Charbonneau wished to be recorded as opposed to motion.

HB 674-FN, relative to the Catastrophic Aid Act.

Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: This bill calls for a study of the federal Catastrophic Aid Act and was passed unanimously by our committee.

Adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Krasker moved to remove **SB 379**, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership from the table.

Adopted.

Committee report Ought to Pass with Amendment.

Senator Krasker for the Committee.

SENATOR KRASKER: The bill which was tabled included our committee amendment which was voted by our committee 6 to nothing. We need a vote on our committee amendment and then we will vote on Senator Dupont's floor amendment. I think there were sev-

eral issues where people had questions and I just want to go over a few of them. First of all, when we talked about effectively segregated, we are not talking about thoroughly enclosed rooms. We are talking about areas, just areas. When we talk about enclosed places, we don't mean separate rooms, we mean a portion of a location and that is already in the law. We did amend the bill to stipulate that businesses or areas with four or fewer people would be exempt. We also said that in businesses where there would be designated smoking and non-smoking areas, 25 percent of the employees would have to request this of the businesses. Other than that, it is the bill as it was drafted.

SENATOR DISNARD: Senator Krasker, I was led to believe in the discussion last week, that if a private club such as an Elks Club had what is referred to as a stag room, or a room where they watch television that is not open to the general public, the smoking rule would not apply. Is that in here somewhere?

SENATOR KRASKER: Yes, it is.

SENATOR JOHNSON: Senator Krasker, will you assure me, please, that the aspect of this bill dealing with restaurants does not require restaurants to build any additional walls?

SENATOR KRASKER: Absolutely, you are correct. There would have to be a separate room for the smokers and for the non-smokers but they could all be in the same room.

SENATOR JOHNSON: In order to get it on the record as legislative intent, the intent that we are speaking about now in regard to restaurants says in effect that if a restaurant has a non-smoking section designated now, that they would therefore be in compliance with the terms of this bill?

SENATOR KRASKER: That is right. Restaurants now that choose to have non-smoking areas have determined where they are going to be themselves and they would continue to do that with this bill. By the way, if the amendment of Senator Dupont passes, they would have three years to comply.

SENATOR MAGEE: Senator Krasker, in the committee discussions, did anything come up about air returns or transfer of air where a smoking room might have the air transferred into a non-smoking room? What happens then?

SENATOR KRASKER: The testimony that we received is that where you have air conditioning or air freshening units, it is really difficult or impossible to determine how fresh the air is afterwards.

The technology isn't available to really give you a good determination which is why we are looking for the designated smoking and non-smoking areas.

SENATOR CHARBONNEAU: Senator Krasker, in a very small restaurant which would be very difficult for a restaurateur, an owner, to separate?

SENATOR KRASKER: Fifty people or less are exempted.

SENATOR FREESE: Senator Krasker, would you believe that my understanding of the present statute is that we have to separate at the present time as far as smoking and non-smoking in restaurants and business establishments, how does your bill differ under present law?

SENATOR KRASKER: Under present law, they have a choice of establishing either a designated non-smoking area or having this air freshening system that has to meet ash rate standards. And the committee bill differs in that upon the compliance date, the requirement is going to be for a separation of smokers and non-smokers.

SENATOR FREESE: I still don't understand the demarcation between the present statute and this amended bill? Because, as I mentioned before, my understanding of the present law is that there is a designation now.

SENATOR KRASKER: They have a choice to make, whether to go to the designated non-smoking area or install certain equipment that supposedly will purify the air.

SENATOR FREESE: So all your bill does is does away with the equipment, there has to be two separate areas.

SENATOR KRASKER: As affects the restaurants, yes, but not two separate rooms.

SENATOR CURRIER: Was there a large amount of testimony to indicate that the voluntary effort of dealing with this problem of smoking in the workplace, smoking in restaurants, or smoking in public isn't working under the current statute?

SENATOR KRASKER: The testimony that we received was that it was not. I think six and half hours of testimony convinced my entire committee that it is not working.

SENATOR CURRIER: How many of those people on the committee are smokers?

SENATOR KRASKER: I haven't taken a poll.

Amendment to SB 379-FN

Amend the bill by replacing all after section 1 with the following:
2 New Subdivision; Clean Indoor Air. Amend RSA 155 by inserting after section 63 the following new subdivision:

Clean Indoor Air

155:64 Purpose. The purpose of this subdivision is to protect the health of the public by regulating smoking in enclosed workplaces and enclosed places accessible to the public, regardless of whether publicly or privately owned, and in enclosed publicly owned buildings and offices. This subdivision also regulates smoking in public housing facilities, health care facilities, public primary and secondary educational facilities, and in public conveyances operating within the state.

155:65 Definitions. In this subdivision:

I. "Department" means the department of health and human services.

II. "Director" means the director of the division of public health services or designee.

III. "Division" means division of public health services, department of health and human services.

IV. "Effectively segregated" means the positioning of a designated areas where smoking is permitted so smoke does not cause harm, discomfort, or annoyance to persons in the no smoking areas.

V. "Enclosed place" means a structurally enclosed location, or portion of such location, enclosed by a floor, ceiling, and 3 or 4 solid walls, partitions, or windows, exclusive of doors or passageways.

VI. "Health care facility" means any enclosed place or portion of such place used for the purpose of providing medical or dental treatment, physical or mental health services, or any combination of such treatment or services. This definition shall include buildings or portions of buildings used exclusively for such purposes and buildings or portions of buildings leased, rented, or otherwise made available for such purposes.

VII. "Law enforcement authority" means the state, county, city, or town police having authority over a given area in the state.

VIII. "Lounge" means a facility which has been issued a license by the New Hampshire liquor commission to serve liquor and beverages in any room of such facility.

IX. "Person in charge" means:

(a) For enclosed places that are not publicly owned buildings or offices, the person, regardless of whether he is the owner or lessee of an enclosed place of public access, or of a workplace, who has

responsibility for, directly or by appointment, policy making and overseeing adherence to laws, rules and regulations or the day-to-day management of the activities carried out in the enclosed place. This definition shall not mean the owner of the property or place of public access or workplace unless he is routinely present and controls the day-to-day activities, or sets the policy, carried out within the enclosed place.

(b) For publicly owned buildings and offices, the person routinely present in and responsible for the day-to-day conduct of activities carried out at enclosed places or portions of such places, owned, leased, or rented by state, county or municipal governments, or by agencies supported directly by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, county or local taxes, or, if not routinely present, the individual who is responsible for setting policy for the enclosed place. This definition shall also include those individuals designated by governing bodies as responsible for the facilities used by such bodies.

X. "Public access" means any enclosed place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including, but not limited to, buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, bars, lounges, retail stores, grocery stores, libraries, theaters, concert halls, auditoriums, arenas, barber shops, hair salons, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, and common areas of resorts, hotels and motels, including the lobbies, hallways, elevators, restaurants and cafeterias.

XI. "Public educational facility" means any enclosed place or portion of such place, which is supported by public funds and which is used for the instruction of students enrolled in grades kindergarten through 12. This definition shall include areas within facilities supportive of instruction and subject to educational administration including, but not limited to, lounge areas, passageways, restrooms, laboratories, study areas, cafeterias, gymnasiums, libraries, maintenance rooms and storage areas.

XII. "Public conveyance" means any air, land, or water vehicle of public access, which has enclosed sections, used for the transportation of persons in the state of New Hampshire, whether or not for compensation, including, but not limited to airplanes, trains, buses, boats, vans, or taxis. This definition shall not include privately owned vehicles when used for private purposes, but shall include all vehicles owned by the state and its political subdivisions.

XIII. "Publicly owned buildings and offices" means enclosed places or portions of such places owned, leased, or rented by state, county or municipal governments, or by agencies supported by appropriation of, or by contracts or grants from, funds derived from the collection of federal, state, county or municipal taxes. This definition includes, but is not limited to, legislative offices, legislative meeting rooms and other areas used by legislative bodies; courtrooms, jury rooms, and other court facilities; recreation facilities; police stations; fire stations; county, city and town offices; penal and detention institutions; armories; military training facilities; public housing and senior housing projects; subsidized housing; common waiting areas, lobbies or common-use rooms; field offices of any government unit; and postsecondary educational institutions receiving funds appropriated by the state legislature. This definition also includes enclosed places periodically used by state, county or municipal governments or their agencies, including, but not limited to, polling places and rooms in which a public meeting, hearing or other proceeding open to the public is in progress. This definition shall also include, in accordance with federal laws and regulations, enclosed places and offices owned, leased, or rented by the federal government or agencies of the federal government.

XIV. "Restaurant" means any enclosed place or portion of such place used, maintained, advertised, or held out to the public to be a location where food is prepared on the premises and which, for consideration of payment, is made available to be consumed on the premises, whether or not alcoholic beverages are also served at the same location.

XV. "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any device designed to produce the effect of smoking.

XVI. "Smoking-permitted area" means an effectively segregated area which is posted with "Smoking Permitted" signs in a building, facility, room, or group of rooms or other enclosed indoor area and in which smoking is allowed, designated by the person in charge of the facility in accordance with rules adopted by the director pursuant to RSA 155:71.

XVII. "Workplace" means an enclosed place at which 4 or more individuals perform any type of a service for consideration of payment under any type or term of employment relationship with, but not limited to a sole proprietorship, corporation, partnership, company, individual, governing body, government agency, private voluntary agency, and any public nonprofit agency. This definition also includes any location where 4 or more individuals perform services in a volunteer capacity for which individuals are ordinarily paid.

155:66 Smoking Restricted. Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in:

I. Enclosed places of public access and enclosed places that are publicly owned, except in effectively segregated smoking-permitted areas. If smoking cannot be effectively segregated in any such enclosed place, then smoking shall be totally prohibited.

II. Workplaces that are privately or publicly owned, except that an effectively segregated smoking-permitted area may be designated by the person in charge when requested by a petition signed by at least 25 percent of the employees who routinely work in that workplace. When such request has been received by the person in charge and a decision has been made to designate a smoking-permitted area, then such area shall be designated in accordance with rules adopted under RSA 155:71, I, provided that the person in charge may declare any facility non-smoking in its entirety regardless of a request by petition.

III. Enclosed places owned and operated by social, fraternal, or religious organizations when made available to the general public for such purposes as, but not limited to, public meetings, voting, suppers, bingo games, theatrical events, fairs and bazaars, except in effectively segregated smoking-permitted areas. If smoking cannot be effectively segregated in any such enclosed place, then smoking shall be totally prohibited.

IV. Public educational facilities at any time, and in child care agencies licensed under RSA 170-E during the hours of operation, except foster family homes and foster family group homes.

V. Hospitals and other acute care facilities.

VI. Grocery stores by customers.

VII. Elevators, tramways, gondolas, and other such public conveyances.

VIII. Public conveyances, except as designated in accordance with rules adopted pursuant to RSA 155:71, I.

155:67 Exemptions. The following shall be exempted from the requirements of this subdivision:

I. Public conveyances rented for private purposes.

II. Privately owned vehicles when used for private purposes.

III. Buildings owned and operated by social, fraternal, or religious organizations when used by the membership of the organization, their guests or families, or when they are rented or leased for private functions to which the public is excluded and arrangements are under the control of the sponsor of the function and not the organization.

IV. Guest rooms of hotels, motels and resorts.

V. Halls, ballrooms, dining rooms and conference rooms of hotels, motels, restaurants, resorts, and publicly accessible buildings or portions thereof, excluding those that are publicly owned, when rented or leased for private functions to which the public is excluded and arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the facility.

VI. Private homes operated as a workplace, except those operated as a child care agency as provided in RSA 155:66, IV.

VII. Resident rooms in dormitories operated by postsecondary educational institutions, but such dormitories shall follow any appropriate procedures established under RSA 155:71, II.

VIII. Resident rooms in public housing facilities, but such facilities shall follow any appropriate procedures established under RSA 155:71, II.

IX. Resident rooms in facilities such as nursing homes, sheltered care facilities, and residential treatment, rehabilitation facilities, and prisons and detention facilities, but such facilities shall follow any appropriate procedures established under RSA 155:71, II.

X. Restaurants with seating for fewer than 50 people.

XI. Lounges as defined in RSA 155:65, VIII, serving meals to 50 or more people after the advertised hours for serving meals are over.

XII. Health care facilities, except for hospitals and other acute care facilities, provided that the health care facilities shall follow any appropriate procedures established under RSA 155:71, II.

155:68 Written Policies. The person in charge of the enclosed places listed in RSA 155:66 shall develop, or oversee the development of, written policies in accordance with RSA 155:71, to achieve compliance with this subdivision. Such policies shall include, but not be limited to, the following:

I. If smoking is completely prohibited in any enclosed workplace, enclosed place of public ownership, or enclosed place accessible to the public, then the written policy shall state that smoking is prohibited in the entire facility.

II. If smoking-permitted areas are to be designated in any enclosed area identified in RSA 155:66, then the written policy shall state, in addition to the requirements of RSA 155:69, that smoking is permitted only in designated smoking-permitted areas and shall specify the area or areas where smoking is permitted in the building or facility.

III. Written policies regarding smoking restrictions shall be provided to, or posted, or otherwise made available to any person who works in or routinely uses any enclosed building or facility.

IV. Staff or employees subject to written policies regarding smoking restrictions in any enclosed building or facility shall receive orientation regarding the written policy to which they are required to adhere.

155:69 Smoking-Permitted Areas; Procedures. If smoking-permitted areas are to be designated pursuant to the policy under RSA 155:68, II, the person in charge of the enclosed places listed in RSA 155:66 shall develop, or oversee the development of, written procedures in accordance with RSA 155:71, to achieve compliance with this subdivision. Such procedures shall include, but not be limited to, the following:

I. Training procedures to assure that the provisions of this subdivision are understood.

II. Reviewing and arbitrating complaints.

III. Handling of persons who willfully continue to smoke in a "no smoking" area, after having been asked to stop smoking in that area.

IV. The special consideration which may be given to protect individuals who have a medical condition which is medically recognized to be adversely affected by tobacco smoke. Such conditions may include, but shall not be limited to, the following: asthma, chronic bronchitis, emphysema, and any condition that causes significantly impaired lung function; coronary heart disease, congestive heart failure and other heart conditions; certain diseases of the eye and conjunctiva; allergy to tobacco smoke; pregnancy; and diseases of disordered immunity.

V. Instructing security officers, ushers, receptionists, clerks, and other appropriate personnel to assist in ensuring compliance with this subdivision by asking those who smoke in designated "no smoking" areas to refrain from doing so, and to direct smokers to a smoking-permitted area, if appropriate.

155:70 Signs. Signs shall be placed at the entrances to and throughout all buildings and facilities regulated under this subdivision. Such signs shall state the smoking restrictions applicable to the building or facility, in accordance with RSA 155:68.

155:71 Rulemaking. The director shall adopt rules, pursuant to RSA 541-A, relative to:

I. Designation of smoking-permitted areas in a manner that effectively segregates areas where smoking may be permitted in enclosed places under RSA 155:66 so that smoke from such areas does not cause harm, discomfort, or annoyance to persons in adjacent areas where smoking is prohibited.

II. Designation of smoking-permitted areas in a manner that effectively segregates areas where smoking may be permitted in the facilities under RSA 155:67, VII, VIII, IX and XII.

III. Written policies and procedures to be adopted by persons in charge of enclosed places under RSA 155:68 and 155:69.

IV. Procedures for insuring compliance with and enforcement of the provisions of this subdivision.

V. Signs to be used for notification of smoking restrictions.

VI. Procedures for resolving complaints and investigations of complaints under RSA 155:73 and 74.

VII. Procedures for requesting a waiver and eligibility determination for a waiver requested under RSA 155:75, and stipulations of a waiver, including time stipulation.

VIII. Procedures to ensure confidentiality under RSA 155:74.

155:72 Retaliation Prohibited. No person in charge shall retaliate in any manner against, or otherwise discriminate against, a person, employee, or subordinate who exercises any rights under this subdivision or rules adopted pursuant to this subdivision, or by any policy or procedure promulgated under this subdivision for enclosed places.

155:73 Noncompliance. If an employee or user of a building or facility determines or believes that the person in charge or others are not complying with this subdivision or rules adopted pursuant to this subdivision, a complaint may be registered with the person in charge. If the complaint is not resolved within a reasonable time period, the complainant may proceed under the complaint procedures established by the director under RSA 155:71.

155:74 Complaints; Investigations; Confidentiality.

I. The director or his designee shall investigate any complaint regarding noncompliance with the provisions of this subdivision or rules adopted under it.

II. The name of any person registering a complaint regarding noncompliance shall not be divulged by the department of health and human services, including the division of public health services, in any correspondence or meetings, nor shall it be made available over the telephone, unless specific written approval has been given to do so by the complainant. All complaints, except names, shall be a public record for purposes of RSA 91-A. The name of any complainant who requests anonymity, however, shall not be revealed under RSA 91-A.

155:75 Waiver.

I. The person in charge may seek a period of time to comply with this subdivision by submitting a written request to the director requesting a waiver, specifying the grounds for the waiver and the time period within which such enclosed place shall be subject to the provisions of this subdivision.

II. The person in charge shall have the burden to provide clear and convincing evidence to demonstrate that compelling reasons ex-

ist to necessitate a waiver; that the requested waiver will not jeopardize the health and well-being of those who habitually occupy the facility; or that the requirement in question causes undue hardship or interferes with other requirements imposed by policies of the facility in question.

III. The director shall follow procedures adopted by rule in determining the eligibility for a waiver and the time period for which the waiver shall extend.

155:76 Enforcement; Penalties.

I. The person in charge or his designee may call law enforcement authorities if any person refuses to refrain from smoking in an area where smoking is prohibited.

II. Any person who smokes in an enclosed public place where smoking is prohibited or removes or defaces any sign posted pursuant to this subdivision shall be guilty of a violation and subject to a fine of not less than \$100.

III. Any person in charge who willfully fails to comply with the provisions of this subdivision and rules adopted pursuant to it shall be guilty of a misdemeanor and subject to a fine of not less than \$100 for each day that noncompliance continues.

IV. The director may request that the attorney general bring a civil action in superior court for appropriate relief to enforce this subdivision including, but not limited to, a temporary or permanent injunction. In charging any defendant in a complaint in such action, it shall be sufficient to state that such defendant did, upon a certain day and in a certain location in the state, cause such action or omission so as to be in noncompliance with RSA 155:64-155:77 or rules adopted pursuant to such provisions, without averring any further or more particular facts concerning the same.

155:77 Fire Protection, Safety and Sanitation. Nothing in this subdivision shall be construed to permit smoking where smoking is prohibited by any other provision of law or rule relative to fire protection, safety and sanitation.

3 Repeals. The following are repealed:

I. RSA 155:45 through 155:49, relative to smoking in enclosed public places.

II. RSA 155:50 through 155:53, relative to smoking in the workplace.

III. RSA 155:54 through 155:56, relative to smoking in grocery stores.

IV. RSA 155:57 through 155:63, relative to clean indoor air in restaurants.

4 Rulemaking Initiated. The director of the division of public health services shall, pursuant to RSA 541-A:3-k, initiate the rule-

making process required to adopt rules under RSA 155:71, provided, that final adoption of any rule shall not occur before the effective date of this act.

5 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill restricts and regulates smoking in enclosed places of public ownership, of public access and places of employment. The person in charge of such places is to effectively segregate smoking in designated areas and, if this cannot be accomplished, smoking is to be totally prohibited.

The bill establishes certain exemptions which include, but are not limited to, public conveyances rented for private purposes, guest rooms of hotels, motels and resorts, and private homes operated as a workplace, except those operated as a child day care center.

The bill grants rulemaking authority to the director of the division of public health services to carry out the enforcement of this law.

The bill also authorizes persons in charge of places subject to this subdivision to apply for a waiver to extend the time period for compliance.

The bill repeals the current laws relative to smoking in enclosed public places, workplaces, grocery stores and the clean indoor air act.

Division vote requested by the Chair:

12 Yeas.

10 Nays.

Amendment adopted.

Senator Dupont offered a floor amendment to SB 379.

SENATOR DUPONT: The primary change in the amendment is that the effective date of the sections of this bill that deal with businesses and restaurants are delayed by three years. The rest of the bill would go into effect on January 1, 1991. The reasoning behind that is that there are a number of people who see the merit in what we are doing here. There has already been for the most part an attempt by most restaurants and businesses to try and comply in some form with the concerns of the non-smokers who work for them or the people who do business with them. However, understanding the significance of this legislation, three years seems like a suitable amount of time for everyone to have to digest and understand what this legislation does and if it is so drastic that they can not comply with it, then we will have an opportunity to amend this legislation before the effective date. This amendment is basically an attempt to

try and put together a compromise which failed, so to do that to make sure that the law does go into effect, we bring this floor amendment in.

Floor Amendment to SB 379-FN

Amend RSA 155:65, IX as inserted by section 2 of the bill by replacing it with the following:

IX. "Person in charge" means:

(a) For enclosed places that are not publicly owned buildings or offices, the person who has responsibility for, directly or by appointment, policy making and overseeing adherence to laws, rules and regulations of an enclosed place of public access or a workplace. This definition shall not mean the owner of the property or place of public access or workplace unless he is routinely present and controls the day-to-day activities, or sets the policy, carried out within the enclosed place.

(b) For publicly owned buildings and offices, the person responsible for the operation of the building or office and the person responsible for the agency or organization occupying the building or office, or that person designated to act in the absence of the person in charge.

Amend RSA 155:76, III as inserted by section 2 of the bill by replacing it with the following:

III. Any person in charge who willfully fails to comply with the provisions of this subdivision and rules adopted pursuant to it shall be guilty of a violation and, notwithstanding RSA 651:2, shall be subject to a fine of not less than \$100.

Amend the bill by replacing all after section 2 with the following:

3 Repeal. The following are repealed:

I. RSA 155:45 through 155:49, relative to smoking in enclosed public places.

II. RSA 155:54 through 155:56, relative to smoking in grocery stores.

4 Repeal. The following are repealed:

I. RSA 155:50 through 155:53, relative to smoking in the workplace.

II. RSA 155:57 through 155:63, relative to clean indoor air in restaurants.

5 Applicability. The provisions of RSA 155:64 through 77 as inserted by section 2 of this act shall not apply to workplaces as defined in RSA 155:65, XVII, or restaurants, as defined in RSA 155:65, XIV, until July 1, 1993.

6 Rulemaking Initiated. The director of the division of public health services shall, pursuant to RSA 541-A:3-k, initiate the rule-

making process required to adopt rules under RSA 155:71 provided, that final adoption of any rule shall not occur before January 1, 1991.

7 Effective Date.

I. Section 4 of this act shall take effect July 1, 1993.

II. The remainder of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill restricts and regulates smoking in enclosed places of public ownership, of public access and places of employment. The person in charge of such places is to effectively segregate smoking in designated areas and, if this cannot be accomplished, smoking is to be totally prohibited.

The bill establishes certain exemptions which include, but are not limited to, public conveyances rented for private purposes, guest rooms of hotels, motels and resorts, and private homes operated as a workplace, except those operated as a child day care center.

The bill grants rulemaking authority to the director of the division of public health services to carry out the enforcement of this law.

The bill also authorizes persons in charge of places subject to this chapter to apply for a waiver to extend the time period for compliance.

The bill repeals the current laws relative to smoking in enclosed public places and grocery stores effective January 1, 1991, and repeals the laws relative to smoking in workplaces and restaurants effective July 1, 1993.

Floor amendment adopted.

Senator Currier moved to have **SB 379** Laid on the Table.

Motion failed.

Adopted. Ordered to Third Reading.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1500 shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

First and Second Reading and Referral

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991. (Finance)

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, February 8, 1990 at 1:00 p.m.

Adopted.

LATE SESSION**RESOLUTION**

Senator Dupont offered the following resolution.

Resolved that according to Joint Rule 6-F "Final action on any bill or resolution so re-referred by either body shall be taken in that body on or before February 1, 1990." that all bills still in the Senate shall by this resolution be made inexpedient to legislate.

Adopted.

Third Reading and Final Passage

SB 386, relative to the use of public water by the town of Lincoln and by Loon Mountain Recreation Corporation.

HB 108-FN, licensing massage practitioners and massage establishments.

HB 563, relative to land surveyors and condominiums.

SB 309-FN-A, establishing a New Hampshire Heritage Trail.

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor.

SB 316, relative to the governor's education improvement program.

SB 333-FN-A, making a supplemental appropriation to aid the sensory impaired.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

SB 384-FN-A, relative to medical examiners and making an appropriation therefor.

SB 400-A, increasing the appropriation for constructing regional vocational education centers.

SB 351, relative to the Pease Air Force Base development authority and making an appropriation therefor.

HB 674-FN, relative to the Catastrophic Aid Act.

SB 349, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues.

SB 379-FN, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

February 8, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Oh God, our heavenly Father, creator of all life, raise our principals and lift our sights high when we deal with all life!

Help us, also, as we deal with the monetary problems which face us. Help us to be kind and true and to do the best we can with what we have. Bless us lord, and make the effort to help us in all our needs!

Amen

Senator Nelson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RECONSIDERATION

Senator Dupont served notice of reconsideration of **SB 343** providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 139-FN-A through HB 1439-FN and HB 95-FN through 1501-FN-A and CACR 25 shall be by this

resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor. (Education)

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor. (Public Institutions, Health & Human Services)

HB 430-FN, relative to certification for real estate appraisers. (Internal Affairs)

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price. (Interstate Cooperation)

HB 700-FN, imposing minimum mandatory sentences for felonious use of firearms. (Judiciary)

HB 725-FN, relative to the highway fund. (Capital Budget)

HB 1035, relative to biennial fish and game hearings. (Dev, Rec, & Env)

HB 1036-FN, relative to nonresident and resident wholesale marine species licenses. (Dev, Rec & Env)

HB 1047, establishing a commission with the state of Maine on Lake Umbagog. (Interstate Cooperation)

HB 1054, relative to memorials for veterans. (Public Affairs)

HB 1062, relative to record books kept by registers of deeds. (Exec. Depts.)

HB 1066-FN, relative to the operation of bingo games. (Ways & Means)

HB 1082-FN-A, making an appropriation to the Wallop-Breaux fund. (Finance)

HB 1108-FN, establishing a committee to study child care in public and private sector buildings. (Public Institutions, Health & Human Services)

HB 1110, relative to the election of Sullivan and Belknap County commissioners. (Public Affairs)

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza. (Capital Budget)

HB 1183, relative to supervision of highway agents. (Capital Budget)

HB 1184, relative to housekeeping changes in RSA's relating to the department of transportation. (Capital Budget)

HB 1185, to reclassify portions of certain highway in the town of New Castle. (Capital Budget)

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles. (Capital Budget)

HB 1241, relative to the observance of Memorial Day. (Public Affairs)

HB 1316-FN, relative to the uniform reciprocal enforcement of support act. (Judiciary)

HB 1370, relative to a statement of consideration of deeds and other matters concerning the transfer of real estate. (Public Affairs)

HB 1439-FN, relative to the reimbursement to the state for certain services rendered at race tracks. (Finance)

HB 95-FN, relative to eligibility criteria for AFDC recipients. (Public Institutions, Health & Human Services)

HB 220-FN, relative to managing tax supported state debt. (Ways & Means)

HB 390-FN-A, relative to the New Hampshire retirement system investment practices. (Insurance)

HB 409-FN, relative to licensing professional foresters. (Dev, Rec & Env)

HB 442-FN-A, establishing a lakes management and protection program. (Dev, Rec & Env)

HB 567-FN, relative to expenditure of excess moneys by school districts. (Ways & Means)

HB 705-FN, relative to drug-free school zones and making appropriations therefor. (Judiciary)

HB 1016, relative to altering municipal highway classifications. (Capital Budget)

HB 1020, relative to motors and horsepower on Elbow Pond in the town of Andover. (Transportation)

HB 1030, relative to cease and desist orders issued by the director of the division of forests and lands. (Dev, Rec & Env)

HB 1073, relative to sales representatives' contracts. (Exec. Depts.)

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capitol improvements. (Capital Budget)

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner. (Public Affairs)

HB 1140, relative to the selectmen of towns. (Public Affairs)

HB 1227-FN, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect. (Judiciary)

HB 1274-FN, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn. (Exec. Depts.)

HB 1281-FN, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy. (Public Institutions, Health & Human Services)

HB 1315-FN, relative to child support guidelines. (Judiciary)

HB 1334-FN, relative to telephone utilities service territories. (Interstate Coop)

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way. (Dev, Rec & Env)

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester. (Transportation)

HB 1343-FN, establishing a study committee on private contract prison systems. (Capital Budget)

HB 1372, relative to interim rules under the administrative procedure act. (Exec. Depts.)

HB 1414, relative to committee members of the state conservation committee. (Dev, Rec & Env)

HB 1419, relative to Monadnock advisory commission. (Public Affairs)

HB 1501-FN-A, relative to state revenues and expenditures. (Ways & Means)

CACR 25, relating to the membership of the senate. Providing that the senate shall consist of 48 members. (Internal Affairs)

COMMITTEE REPORTS

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: (Tape inaudible) This would make it possible for the town meetings of the town of Sandwich and Albany by a two-thirds vote to annex that portion of Albany to the town of Sandwich.

Amendment to SB 328

Amend the title of the bill by replacing it with the following:

AN ACT

restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

Amend the bill be replacing all after section 1 with the following:

2 Town Line Changed. The following described tract is disannexed from the town of Albany and annexed to the town of Sandwich: Beginning at the present southwestern corner of the town of Albany; thence northerly along the present western boundary line of the town of Albany to the northwestern corner of the tract of land now or formerly of Alexander Lincoln Jr. and Robert Hurd, trustees, which tract is presently denominated 1-15A on Albany town tax maps; thence easterly along the northern boundary of said Lincoln tract of land, which boundary is also the boundary of the White Mountain National Forest, to the northeastern corner of said Lincoln tract; thence in a generally southerly and easterly direction along the present property boundary of the White Mountain National Forest, to the northeastern corner of the tract of land now or formerly of Helen Breasted, which tract is presently denominated 1-29 on Albany town tax maps, which point lies on the present town boundary between Albany and Tamworth; thence southerly along the said present town boundary between Albany and Tamworth, to the southeastern corner of a tract of land now or formerly of W. Thomas Cleaves, which tract is presently denominated 1-28 on Albany town tax maps; thence westerly along the present town bound-

ary between Albany and Tamworth to the point of beginning; being that portion of the town of Albany consisting of all the properties delineated on Tax Map 1 of the town of Albany; the identical tract also being described as all the contiguous land in the southwestern corner of the town Albany that lies outside the present property boundary of the White Mountain National Forest.

3 Referendum. The provisions of section 2 of this act shall take effect pursuant to the provisions of RSA 51:9 upon ratification by a 2/3 vote of the voters of both the town of Albany and the town of Sandwich, and each town clerk shall certify within 10 days to the secretary of state the results of said referendum.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill restricts the horsepower and limits the type of motor on boats operating on Garland Pond in the town of Moultonborough to an electric motor not in excess of 5 horsepower.

The bill prohibits the use of skicraft on said pond.

This bill provides for the annexation of certain specified property in the town of Albany to the town of Sandwich, upon the approval of 2/3 of the voters in each town at their next regular annual town meeting.

Amendment adopted. Ordered to Third Reading.

SB 342, relative to sailboards and flotation devices.

Inexpedient to Legislate. Senator Bond for the committee.

SENATOR BOND: The committee heard this bill on the use of flotation devices or life jackets by those using sailboards. We had a video tape, we had extensive testimony and it was the decision of the committee that it was a safety hazard to operate one of these craft without a life jacket and so we decided that the bill as presented to us should be inexpedient to legislate.

SENATOR MAGEE: I guess as a sponsor of this piece of legislation, Senator Bond, I wonder if the committee would be agreeable to some kind of a study. I think there were some good points raised on both sides of the issue. As you mentioned, we saw a video tape and so forth, and I think the testimony was 50/50. Would you be agreeable to something like that?

SENATOR BOND: I would have to see what your motion was and see whether or not I could agree.

Senator Magee moved to substitute Ought to Pass for Inexpedient to Legislate.

SENATOR MAGEE: This is a pro-choice piece of legislation. As the committee heard, it certainly is not a piece of legislation that is going to require somebody to use these flotation devices. I think it was adequately demonstrated to the committee, the devices can be dangerous, the flotation device when they crash on a sailboard they can end up underneath the sail and find it very difficult to exit into safer waters. The sailboard itself is a flotation device. The film showed parts of the sailboard cut away and it still remained afloat. The flotation device, in effect, is the sailboard. Also, the Department of Safety did not speak against this bill. I think it is the first time that they didn't. In the past they have called a sailboard as a boat. In fact, the U.S. Coast Guard recognizes a sailboard as just that, a sailboard. It is closer to a surf board than to a boat. It is a personal flotation device in itself. Therefore the recommendation for ought to pass.

SENATOR MCLANE: I rise in strong opposition to the pending motion. I have viewed very many sailboards over my life around Newfound Lake. In fact, we have as many as fifteen to twenty at a time out in front of our house. And I have seen again and again people exhausted and clinging to a sailboard, couldn't possibly swim back to shore without some flotation device. The chances of a sail coming down on top of you and your being unable to dive underneath it are half what it is to have the boom itself hit you and knock you out cold. I can't imagine anyone that wasn't an expert sailboarder not needing a flotation device and needing a boat handy to rescue them. When they start out it takes them a good long time to learn how to even come back. They just go until somebody rescues them. I would feel very strongly that it would be a dangerous thing and something the Department of Safety would spend many hours hauling people in who didn't have a life jacket. I don't believe that there was convincing evidence that a life jacket really bothered the people. These were very expert people who were testifying. They were not discussing people who are mediocre or people who were learning. And until they can come up with a system of certifying experts that don't need it, I think everyone needs a flotation device.

SENATOR BOND: I would like to support what Senator McLane said about expert being the measure of whether or not someone needs a personal flotation device when using one of these sailboards. The problem is, we have heard testimony from people who are experts and they go out and you see them out in the broads in four foot waves. They are hanging on and they are doing fine but there is a tremendous potential if you eliminate all flotation devices for the beginner to get into serious trouble with one of these. The Depart-

ment of Safety did have an opportunity to deal with this in rule making and did not choose to make a change in the rule, which would have eliminated these jackets. I would urge that you vote no on ought to pass. I would not, personally, have an objection to Interim Study which generated language which dealt with the difference in skill levels and the utilization of these boards.

SENATOR NELSON: Senator Bond, would you please refresh our memories as to how many people appeared at the hearing in favor of the bill?

SENATOR BOND: Five or six.

SENATOR NELSON: And would you say there was a large group against the bill relative to those in favor?

SENATOR BOND: I would say that probably the predominance of the testimony was in favor of the bill, including an 8 minute video tape. With some exceptions, the general feeling of the committee was that they didn't persuade us that the Department of Safety was wrong in thinking that they should have flotation devices.

SENATOR NELSON: I understand the Department of Safety was against the bill?

SENATOR BOND: They didn't testify one way or the other.

SENATOR BASS: I was one of the committee members who voted against the committee motion of inexpedient and I rise in support of the substitute motion of ought to pass. In New Hampshire, all craft are required to have flotation protection devices, but unlike sailboards, all other craft are able to stow them in one place or another. You don't see people on big yachts, for the most part at least, sailing around Winnepesaukee with life jackets on unless they can't swim. But in the case of sailboards, there is no place to stow it. Either you strap it to the mast or you strap it to the deck or whatever, and in many instances it isn't possible to wear a life jacket conveniently when you are using these things. I would also point out that 38 or so other states give you the choice of whether or not you want to wear a flotation device on a sailcraft. And I would also like to emphasize strongly Senator Magee's last point. That when that sail falls down on top of you, and I have had this happen, the sail creates a vacuum over you when you try and push the sail up to get underneath it, it creates a vacuum because it is partially under water. If you have a life jacket on, you can't get out from under the sail. There are a number of people in this State who consider the use of flotation protection devices to be seriously dangerous. It is quite similar, for ex-

ample, to the seat belt law. Some people just don't want to wear seat belts. I urge the Senate to support Senator Magee's substitute motion of ought to pass.

SENATOR FREESE: I am on Lake Winnepesaukee at least once a week in the summertime and usually run through the broads, which is the widest part of the lake. The waves when the wind is blowing are at least four to six feet high. I am not talking about the Navy Waves, I am talking about Lake Winnepesaukee. It is fun. These boards go at least 30 miles an hour across the broads. It isn't unusual for these people to loose their balance and fall off. If they don't have some type of life jacket on, they're really in dangerous waters. I was a member of the committee that made the motion inexpedient to legislate. However, I would not support the substitute motion before us, I would support Interim Study.

SENATOR CURRIER: I was one of the two people who voted against the motion for inexpedient to legislate. After the last couple of days of looking into this a little further, I rise in opposition of the pending motion of ought to pass. I really feel very strongly that we are talking about the general public here, not the expert wind surfers that testified before the committee. Whether they are skiing on the broads or skiing on Lake Winnepesaukee or Lake Massasecum in Bradford, I think they ought to have the availability or maybe in fact we ought to require that they wear life jackets. We would at least be able to find the body if they were in real serious problems.

SENATOR KING: Senator Currier, are you suggesting that the general public doesn't have the wisdom to make that decision by themselves?

SENATOR CURRIER: I don't want to get into the situation of deciding the choice issue of wearing seat belt or helmets but in the case of boating safety, I think as a 24 year member of the United States Coast Guard, I support the use of flotation devices. I think that they, in fact, should have them.

Motion Failed.

Committee report Inexpedient to Legislate adopted.

SB 344-FN, relative to septic tanks and holding tanks.

Ought to Pass with Amendment. Senator Bass for the committee.

SENATOR BASS: The amendment strikes everything in the bill and substitutes a change in qualifications for the Director of Water Supply and Pollution Control. We were advised by the Department that the qualification of the director being a graduate engineer was too

strict and they couldn't find anybody to fill the position. So we have an amendment here requiring that the candidate have a baccalaureate degree from an accredited college or university, hold a valid license or certificate of registration to practice to civil, sanitary, or environmental engineering issued by a lawfully constituted registration board of any State of the United States, and so on. We urge the Senate to adopt the committee report of ought to pass as amended.

SENATOR BLAISDELL: This is my bill, what did you do to it?

SENATOR BASS: We substituted this amendment. The substance of the original bill has been replaced by this amendment.

SENATOR BOND: The Department of Environmental Services and a number of lake organizations appeared in opposition to this bill. The bill in principle, based on how it would ideally work, was satisfactory. But the real problem is that the placing of storage tanks adjacent to lakes by camps invites violation of the law. There is a potential for breaking the tank with a crowbar so that it becomes a cesspool, disarming the alarm system so that it never gets pumped out. One of these tanks, if it is used in the summertime by people all week long, is going to have to be pumped every two weeks at a cost of anywhere from \$100 to \$150, which is not conducive to making it operate properly. We heard no testimony that supported the use of tanks as the bill envisioned. At the same time, the Department of Environmental Services brought forth the amendment which Senator Bass addressed which makes it possible to find a replacement for Mr. Healy in Water Supply and Pollution Control.

SENATOR JOHNSON: Senator Bond, do I understand the original intent of the bill has been flushed?

SENATOR BOND: Yes.

SENATOR BLAISDELL: Obviously, I disagree with what they did with the bill. I thought I was trying to bring a problem to the committee that exists all over the State of New Hampshire. I thought maybe it would be proper that maybe an interim study could be set up so some people could be looking at some regulations that they have over in water pollution and supply. I can't believe that you wouldn't understand that around the lakes today they are using out-houses which are leaching into the lakes. What I was trying to do was to put in a bill, or at least a study, so that we could look at what is happening in the different parts of this State at the lakes level, and to get some protection for people who can no longer have any kind of a septic system in their place and I guess the only alternative that they have is to burn their cottages down, which I think would

be wrong. So I thought I would put in a piece of legislation that would at least let us look at it, to get the protection with alarm systems.

SENATOR BOND: Senator Blaisdell, would you believe that we agreed that the intent was excellent, but that the application based on testimony just wasn't practical because in one town south of here, they have actually had holding tanks in a development which went bankrupt and the State ended up cleaning up broken tanks where people had blown the sides out.

SENATOR BLAISDELL: Well, I guess I would answer this way, Senator Bond, with the budget process I am up to here and now I am up to here in septic tanks.

Amendment to SB 344-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the appointment of the director of water supply
and pollution control.

Amend the bill by replacing all after the enacting clause with the following:

1 Director of Water Supply and Pollution Control. Amend RSA 21-OH:2, III(a) to read as follows:

(a) The water supply and pollution control council shall, after consulting with the commissioner, nominate for appointment by the governor and council a director of water supply and pollution control. The nominee shall [be a graduate engineer licensed] **have a baccalaureate degree from an accredited college or university, hold a valid license or certificate of registration to practice civil, sanitary, or environmental engineering [in the state of New Hampshire] issued by the lawfully constituted registration board of any state of the United States, and shall have a minimum of 5 years' responsible experience in the administration of [major] sanitary or environmental engineering programs [at state or interstate levels and shall be a member or eligible for membership in the American Academy of Sanitary Engineers] in the public or private sector.**

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill specifies the academic requirements for the director of water supply and pollution control, and requires the director to hold

a valid license or certificate of registration to practice civil, sanitary or environmental engineering issued by the registration board of any state.

Amendment adopted. Ordered to Third Reading.

HB 746-FN, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: This bill was re-referred in the House and was amended completely. Originally it had to do with taxes on plastic products and recycling and so forth. It was a very complex bill. It is now a very simple bill which establishes a task force to establish voluntary agreements relative to reducing and recycling the solid waste stream. It also establishes a commission to study, which will be privately funded, to evaluate economic impact of solid waste fee programs on the State. What the House did, was it got all the people listed on page two to donate the funding so that the task force could accomplish its objective and report back to the legislature.

Adopted. Ordered to Third Reading.

SB 373-FN-A, relative to home education and making an appropriation therefor.

Ought to Pass with Amendment. Senator Disnard for the committee.

SENATOR DISNARD: The committee unanimously agreed to the report of ought to pass. I wish to call to your attention, however, the amendment is now the entire bill. The amendment on pages 8, 9 and 10 is the bill. We had the most attendance and interest in this bill than any bill since I have been in the Senate. We had the center section of Representative's Hall filled and there were people overflowing into the two sections. Over 100 people signed up to speak, only two spoke in opposition, one did not want such strict rules, one wanted notification as opposed to a provo. I think you should understand that in fairness, a provo in the home school language is some one who must approve a program. Notification means in this instance, in this bill, that the Commissioner of Education will be notified along with the principal of a non-public school, if that school is selected; a public school or the State. However, there are some safeguards. If the commissioner has questions concerning a particular group of people applying for home schooling, he can hold a hearing.

So there are some safeguards there. In this country, there are approximately one million home schoolers. In 1985-86, there were about 150 in this State. Now this State exceeds approximately 650 home schoolers. The time has come for some regulations. This State does not have any statutes relating to home schooling except somebody must prove a manifest hardship. I have been asked, "why do people want home schooling?". Religious convictions, there are some strong concerns among some parents that the public schools are not doing the job to the extent that they think they should do, they lack discipline or they are concerned about drugs. Some families have a strong need to have the children at home but for individualized approaches there are many reasons. I think you should understand that most home schoolers in this State return to public schools usually, I am not saying all, but the vast majority, in the secondary schools. Traditionally, home schooling is regulated by the Legislature and the State Department of Education. A good usable home school law should do four things, in my opinion. They should require communications between the parents, the districts and the State and this does. It should establish standards, and this does. It should establish accountability procedures and evaluations of a student's progress and this bill does that. It also will impose sanctions on home schools that fail to comply with the home schooling laws. The Department of Education is strongly in favor of this. The commissioner accepts this. Also, I think you should understand, the bill has been drafted three to four times. After the bill went to the LSR, there was a meeting. Then we had the October 5 date to be concerned about. Then we had a November date in the Legislature to be concerned about. The home schoolers have been involved. The Department of Education, representatives of the State Board of Education, representatives of principals, Representatives and Senators have been involved at various times redrafting this bill. It is a good bill. I want to point out there are no additional costs to the State, and there are no additional costs to the school districts. That is important. In fact, it will save many superintendents, if the parents decide at their cost to select a non-public school to administer the program, it will save that school district time, paper work, energy and use of personnel. I will go into the bill in detail if you want, or if you want to ask questions, I know that Finance is coming up and this might not be the day that you wish to go into this. I will answer any questions you want.

SENATOR PODLES: Senator Disnard, could you tell me if the fiscal note from this has been taken out?

SENATOR DISNARD: That is not the bill, the bill is the amendment. With the amendment analysis, there is no fiscal attachment, no appropriation.

SENATOR JOHNSON: Senator Disnard, to what extent does the superintendent get involved in the administration of the home study?

SENATOR DISNARD: Only if the home school parent accepts one of three options: they can have the State administer the program, they can have a non-public school administer the program at their cost; or the superintendent, and that is when the superintendent is involved.

SENATOR JOHNSON: Why would we give them the choice of being administered by the superintendent or the State Department of Education?

SENATOR DISNARD: Those are the three choices that the Department of Education and home schoolers felt would be realistic for an alternative type setting for these parents.

SENATOR JOHNSON: Who, in the State Department of Education, would be administering this?

SENATOR DISNARD: I haven't talked with the commissioner about that. Ninety-five percent of the home schoolers in this Country and in this State stay within the local non-public or public school. Most of the home schoolers in this State are not interested in the State administering the program.

SENATOR JOHNSON: But are we setting up some potential bureaucracy in the State Department of Education that may therefore might not be needed.

SENATOR DISNARD: I think it would be less than what it is now. No, not as this bill is intended.

SENATOR JOHNSON: So you are saying that this will be administered by the State Department of Education without any increase in staff?

SENATOR DISNARD: I am not saying that, sir. All the State Department of Education will be involved in is the notification to the commissioner. If he or she determines through some process that he has doubt, then he establishes a hearing, through the hearing offices that are already located in the State. Then if that doesn't happen, it goes back to the local school district if they wish to administer it or if

the parent selects a non-public school to administer it. I would like to say, in addition to Senator Johnson's question, if there was going to be additional bureaucracy we would have found the chairperson of the State Department of Education and the Commissioner of Education not endorsing this.

Amendment to SB 373-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to compulsory school attendance
and to home education.

Amend the bill by replacing all after the enacting clause with the following:

1 Compulsory Attendance. RSA 193:1 is repealed and reenacted to read as follows:

193:1 Duty of Parent; Compulsory Attendance by Pupil.

I. A parent of any child at least 6 years of age and under 16 years of age shall cause such child to attend the public school to which the child is assigned in his resident district. Such child shall attend full time when such school is in session unless:

(a) The child is attending a public school outside the district to which he is assigned or an approved private school for the same time;

(b) The child is receiving home education; or

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of his parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and RSA 198:27-33.

II. A child who reaches his sixth birthday after September 30 shall not be required to attend school under the provisions of this section until the following school year.

III. In this section:

(a) "Parent" means a parent, guardian, or person having legal custody of a child.

(b) "Resident district" means the school district in which the child resides.

2 Statement of Purpose. The general court recognizes, in the enactment of RSA 193-A as inserted by section 3 of this act, that it is

the primary right and obligation of a parent to choose the appropriate educational alternative for a child under his care and supervision, as provided by law. One such alternative allows a parent to elect to educate a child at home as an alternative to attendance at a public or private school, in accordance with RSA 193-A. The general court further recognizes that home education is more individualized than instruction normally provided in the classroom setting.

3 New Chapter; Home Education. Amend RSA by inserting after chapter 193 the following new chapter:

CHAPTER 193-A

HOME EDUCATION

193-A:1 Definitions. In this chapter:

I. "Child" means a child or children at least 6 years of age and under 16 years of age who is a resident of New Hampshire.

II. "Nonpublic school" means a nonpublic school approved pursuant to rules adopted by the state board of education and administered by the department of education and which has agreed to administer the relevant provisions of this chapter.

III. "Parent" means a parent, guardian, or person having legal custody of a child.

IV. "Resident district" means the school district in which the child resides.

193-A:2 Program Established. There is established the home education program to be administered by the department of education.

193-A:3 Rulemaking. The state board of education shall adopt rules, pursuant to RSA 541-A, relative to administering the home education program.

193-A:4 Home Education; Defined; Curriculum Required.

I. Instruction shall be deemed home education if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music. Home education shall be provided by a parent for his own child, unless the provider is as otherwise agreed upon by the appropriate parties named in paragraph II.

II. The department of education, resident district superintendent, or a nonpublic school shall work with parents upon request in meeting the requirements of this section.

193-A:5 Notification and Other Procedural Requirements. A parent may provide home education to a child or children at home, subject to the following requirements:

I. The parent shall notify, by August 1 of each year, the commissioner of education, resident district superintendent, or principal of a nonpublic school of his intention to provide home education. Said superintendent or principal shall provide notification of such intention to the department of education. Any parent desiring to provide home education who moves into a school district after August 1 shall immediately notify the commissioner of education of his intent to educate a child at home and shall comply with the requirements of this section within 30 days of such notice. Subject to the provisions of RSA 193-A:7, I, the commissioner of education shall acknowledge in writing that the parent shall be permitted to initiate a home education program for a child enrolled in a public or nonpublic school if the program meets the minimum definitional and educational requirements as provided in RSA 193-A:4, I and paragraph II of this section.

II. Notification made by the parent pursuant to paragraph I shall include a list of the names, addresses, and birth dates of all children who are participating in the home education program and a list of the subjects to be taught each child in accordance with RSA 193-A:4, I. A description of such subjects shall also be provided which shall include:

(a) The name of an established correspondence school used, if any;

(b) The name of an established commercial curriculum provider used, if any;

(c) The scope of and instructional sequence for each subject;

(d) A list of textbooks or other instructional materials used; or

(e) Any combination of subparagraphs (a) - (d).

III. Written notice of termination of a home education program shall be filed by the parent with the commissioner of education, and, in addition, the resident district superintendent or nonpublic school principal within 15 days of said termination.

IV. Subject to the provisions of RSA 193-A:7, I, the commissioner of education, resident district superintendent, or nonpublic school principal shall acknowledge receipt of notification within 21 days of such receipt.

193-A:6 Records; Evaluation.

I. The parent shall maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio shall be preserved by the parent for 2 years from the date of the ending of the instruction.

II. The parent shall provide for an annual educational evaluation in which is documented the child's demonstration of educational progress at a level commensurate with the child's age and ability. The child shall be deemed to have successfully completed his annual evaluation upon meeting the requirements of any one of the following:

(a) A certified teacher or a teacher currently teaching in a nonpublic school who is selected by the parent shall evaluate the child's educational progress upon review of the portfolio and discussion with the parent or child. The teacher shall submit a written evaluation to the commissioner of education, resident district superintendent, or nonpublic school principal;

(b) The child shall take any national student achievement test, administered by a person who meets the qualifications established by the provider or publisher of the test. Composite results at or above the fortieth percentile on such tests shall be deemed reasonable academic proficiency. Such test results shall be reported to the commissioner of education, resident district superintendent, or nonpublic school principal;

(c) The child shall take a state student assessment test used by the resident district. Composite results at or above the fortieth percentile on such state test shall be deemed reasonable academic proficiency. Such test results shall be reported to the commissioner of education, the resident district superintendent, or nonpublic school principal;

(d) A written evaluation by the parent which reports that the child has demonstrated reasonable academic progress for age and ability, along with the portfolio made in accordance with paragraph I, shall be forwarded to, for evaluation by, the commissioner of education, resident district superintendent, or nonpublic school principal; or

(e) The child shall be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal. The results shall be reported by the parent or the testing agency to such appropriate official.

III. The commissioner of education, resident district superintendent, or nonpublic school principal shall review the results of the annual educational evaluation of the child in a home education program as provided in paragraph II. If the child does not demonstrate educational progress for age and ability at a level commensurate with his ability, the commissioner, superintendent, or principal shall notify the parent, in writing, that such progress has not been achieved. The parent shall have one year from the date of receipt of the written notification to provide remedial instruction to the child.

At the end of the one-year probationary period, the child shall be reevaluated in a manner as provided in this section. Continuation in a home education program shall be contingent upon the child demonstrating at the end of the probationary period educational progress commensurate with his age and ability. A child who fails to demonstrate such progress at the end of the probationary period shall be reported by the commissioner or nonpublic school principal to the appropriate resident district superintendent, who shall, if necessary, take appropriate action to ensure that compulsory attendance requirements are met.

193-A:7 Hearing; Notice and Procedure.

I. Prior to the acknowledgment of notification as provided in RSA 193-A:5, I, if the commissioner has written and substantiated information which strongly implies that a home education program will not meet the requirements of RSA 193-A:4, I and RSA 193-A:5, II and that, based on such information, the commissioner decides to withhold acknowledgment, he shall immediately schedule a due process hearing as provided in paragraph III. In order to be granted acknowledgment of notification by the commissioner, the parent at such hearing shall establish, and the hearing officer shall so find, that both the parent and the home education program will comply with RSA 193-A:4, I and RSA 193-A:5, II.

II. After acknowledgment of notification as provided in RSA 193-A:5, I, if the commissioner has written and substantiated information which would justify an order of termination pursuant to paragraph IV, and, based upon said information he intends to seek termination of such program, he shall request a hearing as provided in paragraph III.

III. A parent shall be entitled to a due process hearing pursuant to paragraphs I and II which shall be conducted by an impartial hearing officer appointed by the commissioner of education. Notice of such hearing shall be provided within 10 days of the request for such hearing, shall include a brief summary of the material facts, and shall be sent to each parent and each instructor of the child known to the commissioner. The hearing shall occur within 30 days of the date of such notice. Upon request, the hearing officer shall conduct the hearing at a location near the site of the home education program.

IV. In order to terminate a program, the hearing officer shall establish at the hearing at least one of the following:

(a) The parent has failed to comply with the requirements of this chapter; or

(b) The parent or the home education program has substantially failed to or cannot provide a child with the minimum course of study as required by RSA 193-A:4, I.

193-A:8 Order; Appeals.

I. Subsequent to a hearing conducted in accordance with RSA 193-A:7, I or II, the hearing officer shall enter an order within 10 working days which shall order either the continuance or termination of the home education program under scrutiny. Such order shall take effect immediately. A copy shall be given to the appropriate superintendent of schools, who shall, if necessary, take appropriate action to ensure that compulsory attendance requirements are met.

II. Following such order, the parent or the commissioner may appeal the decision of the hearing officer to a court of competent jurisdiction. Said notice of appeal shall be filed with 30 days of such decision by the hearing officer. Pending appeal, the home education program shall continue.

193-A:9 Home Education Advisory Council. The state board of education shall adopt rules under RSA 541-A relative to the establishment and duties of a home education advisory council.

4 Repeal. RSA 193:2, relative to duty of custodian, is repealed.

5 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill establishes a home education program to be administered by the department of education. The bill defines those activities which fall under various categories of home instruction.

The bill requires that a parent or guardian who intends to provide home instruction to a child or children follow certain procedures, such as notifying certain education officials of such intent, structuring the home education program along specific curriculum guidelines, and providing for an annual evaluation of the child's progress.

The bill provides for a hearing in cases where the home education program, or its supervisor, appears to have the potential to, or actually does fail to educate adequately a child, for administrative orders arising out of such hearings, and for appeals from such orders.

The bill requires that the state board of education adopt rules pursuant to RSA 541-A relative to the administration of the program and to the establishment of a home education advisory council.

Amendment adopted. Ordered to Third Reading.

HB 1048-FN, relative to rabies control of dogs.

Ought To Pass. Senator Johnson for the committee.

SENATOR JOHNSON: I'll go through this bill as "rabitly" as possible and explain the changes recommended by Dr. McGinnis, the State Veterinarian. There was no opposition to this bill. On the section one, it eliminates a triplicate requirement and calls for a duplicate now. The veterinarian is getting an extra copy that he doesn't

want or need. It is costing him money to store it. And there are adequate safeguards in that respect right now. On section two, change in dogs, it eliminates a previous exception to the vaccination requirement of dogs in carnivals and circuses, etc. That has been deleted now. Section three, handling of dogs bitten by a rabid animals. The technology available now allows the dogs to be examined and determinations to be made almost immediately so the idea of confining a rabid dog for ten days is no longer appropriate. Section four, impoundment of dog without a tag. The change there is deleting an impoundment fee of \$3.00 which is in conflict with other legislation and we substituted language calling for necessary and reasonable impoundment fees prior to the release by the owner.

Adopted. Ordered to Third Reading.

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990, and the fiscal year 1991.

Ought To Pass With Amendment. Senator Blaisdell for the committee.

SENATOR BLAISDELL: As you know, we held our briefing this morning on this particular bill. Senate Finance and one of the staff of the LBA is in the chamber and we will be very happy to answer any questions but I recommend the bill ought to pass as amended and I will leave it that way.

SENATOR CURRIER: Senator Blaisdell, as a member of the Senate Finance committee for a number of years, can you tell me whether reorganization has cost the State money or has it saved the State money in terms of the budget process? In my initial review of the budget, I really seriously question what process is.

SENATOR BLAISDELL: That is a debate, Senator, that I can't say. If you ask me as a Senator from District 10, I think in some instances it has saved money and in some instances it has lost money for us. I have this particular department that I think maybe could be helped. We tried to help some of them in this budget today.

SENATOR JOHNSON: I have a number of reservations about the bill before us right now. However, with the understanding that this bill is going to be subsequently laid on the table, I feel comfortable in going ahead and voting in favor of it, with the understanding that I will have an opportunity to offer amendments within the ensuing days, and also to deal with it in greater detail when the revenue bills come over from the House.

SENATOR HEATH: I rise today in opposition to this legislation, and I know that I am probably on the losing side of this battle. But I have been around here a number of years, and in the past, I have seen one bare bones budget after another. They aren't bare bones budgets. I have really never seen one but that has been the way it has been presented. And in the end, I have been asked, whether I was in the House or the Senate, to do the responsible thing and pass the budget and make compromises. I have yet to see a budget that was even trimmed to a moderate degree, trimmed in a way that I think we would all agree that there are excesses. I am not buying into that this session. This budget is not a bare bones budget. It is not a budget where the flesh has been harmed. It is not a budget where the fat has been trimmed. It is a budget that is full of cellulite, still. I have snow plows that go by my house and they do a good job when we have a real snow storm but when we don't have a real snow storm they wear out the little snow that is there, using fossil fuels, using trucks, abusing the highways. I have phone calls perhaps one every two years of somebody saying that they have been sent out in an agency to drive the mileage up on an automobile to keep the automobile for the agency. I go into our liquor stores and I see them running in some cases at a loss with personnel sitting on the check outs when we run a retail business and we can't afford that kind of luxury in any of our stores. And if this isn't bad enough, and there are lots of other examples, we are going to turn around if we pass this and hit the wage earner, perhaps a surcharge on his electricity, we are going to tax him on his television, on his telephone, on his gasoline, on his beer and cigarettes. Those are real taxes that are hitting real people who are the productive members of this society, who are able to produce enough so that some of that largess can go to the less fortunate. And the biggest sin, I think, in this budget, and I think it has at least now come into the controversy, is the private providers, the non-profits, who are earning salaries in some cases in excess of what our governor earns for administering state money. And those hypocrites bring their clientele, the least among us, the people who are in the most need, and the ones that we intend to serve and want to serve, they bring those people before us to defend their budgets when they are sucking the milk out of the budgets. I can't, in good conscience, stand it anymore. If the people who are in need in this State believe that I am trying to cut them out of the budget, I am not. But, I will be damned if I can in good conscience tax the average blue and white collar workers in this State to pay obscene salaries to private providers who have make an industry out of the less fortunate people in this State, and for that reason I will not support this budget and I will not support the taxes that you will have to enact if you enact this budget.

SENATOR MCLANE: I rise in very unhappy condition about this budget. For not the same reasons that Senator Heath does, but because it is an inadequate and unfair budget. I was very distressed the other night to see the changes that the Senate had made in the House budget. And I felt threatened when I complained about the budget to be told that the CHINS money would be returned or not depending on how I voted. The Senate did put some things back in later in that evening. They gave half the dental money back. They gave some, but not all, of the vaccine money back. They put in a 1 percent cut just on health and human services. And you all saw today that liquor did fine and safety services and some other parts of the budget. But that is not my real objection. My real objection is to the basic budget before we started. The fact that New Hampshire pays less than any other New England state for young women with young babies who can't go get a job, on AFDC living on half the poverty level. They get \$246 for rent and there isn't an average rent in New Hampshire that is less than \$500. What do you expect them to do? In medicaid, we cover at 75 percent, the federal government is forcing us on the first of July to go to 130 percent. In our neighboring State of Vermont, they cover to 185 percent of poverty for medicaid. And for every dollar they put into prenatal care, they save \$3.83. In Nashua, there is a prenatal clinic in which they see 130 women. It is estimated that there are over 500 pregnant women in the Nashua-Manchester area alone. Thirty percent of these women have drug problems and that isn't cigarettes, it is alcohol or worse and yet there is no place in New Hampshire to send these women. That is the sort of hole in this budget that I have looked at when I have looked at it. In New Hampshire, if you earn \$20,000 you pay 14 percent of your income in the hidden taxes that Senator Heath spoke, if you buy a six-pack of beer or a pack of cigarettes a week, if you pay property taxes on an average. There is no way that you are paying proportionate to your income with the tax structure that we have. If you are lucky, and you are doctor or dentist or a lawyer and you earn \$200,000 you pay 3 percent of your income in taxes in New Hampshire, because there isn't a house big enough, a car fancy enough or scotch instead of beer that would make you pay proportionately what you earn to what you pay for taxes. It is a lousy system. It is a lousy budget and a lousy system. And I am here today to say that I am going to vote for this budget because the process must go on but I wish that those people who crafted the budget had the delicacy and the heart that Senator Blaisdell and Senator Hough do at least, to say that they are ashamed of this budget.

SENATOR PRESTON: Just before the session started someone took my red tie because I said I looked like a Republican. I have been given a blue tie with donkeys on it, because they figured I would have something to say in this session. I am going to vote for this budget and I think the arguments on both sides have been made by members of your own party, Mr. President. And I don't think it is over until it is over. We kind of do things backwards here at times. You are approving a budget adjustment but we really don't know just what our revenues will be yet. There are some good ideas. I know we passed some legislation the other day with additional fees. Efforts that Senator Heath and myself were on to recoup monies of the scofflaws that are going out of state and are not paying fines. Senator Stephen has made mention of efforts to get more breakage out of the tracks. So there is a lot of political posturing that is going to go on in the House and in the Senate here today. I would just like to remind some of my dear Republican friends in the chamber, if I might digress a few years, that you guys are in charge, Mr. President, you got the votes but it wasn't too long ago that we had a \$30 million deficit and the governor and his key people were accused of not being able to run a lemonade stand. Remember, it was a dry winter and we had no snow. This winter we have got more snow than ever. Remember Rockingham park burned down, this year the Lord was with the Republicans and Suffolk Downs closed. We have the biggest single deficit that this state ever faced. So, enough of the political posturing, you remember some chief executives ran and said no new taxes and you read the paper today and I'll back every tax on the menu out there. Gregg backing on tax and fee package, except for Northeast Utilities, we promised them that the transfer tax would be the same. We can't touch them. I am just saying to you, folks, let's be honest, and we can be lean and efficient in government and I agree with you, Senator Heath, but I don't think that we should be lean and mean. I think that as the process goes on, we will have another opportunity after this bill is tabled and goes through the committee of conference, so I suppose as Democrats, we could dig our heels in and say we will do nothing. I just want to make it known that it is a Republican majority, and you have some working Democrats and we are not going to kid our constituents. We are going to work responsibly to try and address the concerns that we have and I will vote with you today, Mr. President. I am not saying I like all of it, but I am trying to be responsible as I think the Democrats will be. It is a great deficit.

SENATOR STEPHEN: I rise in objection to this budget. I can't see balancing this budget on the backs of the poor and the elderly, the children, the little people of the State. Senator Preston just men-

tioned about the race track. As you know, Mr. President, I have been mentioning about that for the last few days. I will bring in the amendment at the proper time next week. But, this issue with the Rockingham race track is an issue where the track is bringing back 35 to 40 percent since the closing of Suffolk Downs. It is an ending of a tax break that I am asking for, for the State of New Hampshire. At the right time, I hope my colleagues will help me and support this issue. Thank you.

SENATOR NELSON: Senator Heath, I was listening very carefully to what you said and as my colleague, Senator Preston has indicated, you make sense and he suggested that we be lean and mean. Having a lot of people who live in Nashua who probably are very much the same as the people who live in your district, I felt you made a strenuous remark there and I would like to know, for example, where this fat is and how we can cut that besides these salaries? Can you give an indication of these grossly inadequate salaries?

SENATOR HEATH: Senator, I gave you some indications in my remarks. I forwarded the list to the Senate President and the Majority Leader earlier. I will also tell you that the cost of administration in the services, whether it is in-house for the welfare programs or the ones that are farmed out to private, non-profits. The administrative costs are heavy and when it takes two dollars to administer one, and the people who are heading those groups are earning \$75,000, \$82,000, over \$100,000 to administer those programs, that is a scandal. When they bring those clientele in here, and threaten them, when they call the little old ladies in my district and in yours and say go in and defend our budget. Their milking is a regular industry, and their first purpose isn't to serve those clients, isn't to serve those people who are the most needy among us, isn't to serve their mission, but to serve themselves, that is when they need to be trimmed. I don't know that if you took all of that fat and the other examples that I used and the multitude of examples where we have excessive administrative costs and duplication and so on, if then we would need to raise taxes. But I will not raise taxes before we at least make those accountable.

SENATOR HOUGH: Roger, I am not going to attempt to respond to what you have just laid upon us, only but to say one thing. When the Hough-Nardi bill comes in, that will be in place the accountability requirement standards that you are looking for, for the private providers, I expect your vote. And I expect your vote behind this so that once and for all we can eliminate the type of hoopla that you are trying to shove down our throats. Senator Preston, I had a friend in Hugh Gallen and I was here eight years ago. But we were faced with

a thirty million dollar crisis situation. And I am here today, when we have a 160 million dollar crisis situation. And as it was no more Hugh Gallen's than Judd Gregg's problem today, we are faced with raising revenue and appropriating money in this State to meet essential State services. And I agree with Senator McLane. We put in a great deal of time and this is not an adequate document nor was the biennial budget an adequate document from our point of view. We find ourselves in the month of February. This is the birthdate of Abraham Lincoln, and it was over a hundred years ago that he indicated that the dogmas of the past are inadequate for the start of the future. He is the one who said it is time to think anew. The pressures and the crisis in the State of New Hampshire are building. Between now and the time that we meet in this chamber next January, the people in the local communities and all across the State of New Hampshire will have an opportunity to think anew. And instead of worrying about some of the religious and theoretical and abstract issues that are confronting society, every member that sits in the House and the Senate must step to the plate. Are we going to ask the people who vote for us to recognize revenue reform or are we going to say read my lips, "no new taxes". And that is what the issue of the next twelve months is. I can tell you what we have done with the Senate amendment to the budget adjustment act that was passed from the House and the numbers are clear. If you are interested in human services, this is what we did. We further reduced what the House had cut in human services by a figure of approximately \$900,000. And then we turned around and we re-instated portions of services that represented approximately \$1.5 million. So there is a net of a half a million dollars in increase in general funds support, and that will enable us to maintain services that were in jeopardy. The emergency medical services, the cancer screening, the dental program, maintaining the seventeen and eighteen year old individuals in the CHINS population, so that at least they will have services. These are the things that we were able to maintain. But maintain only for a short period of time. It is regrettable that after the House took an across the board one percent, we had to use an additional one percent to bring this document to a point where we can pass it, put it on the table, and force members in this chamber and members across the wall to raise the necessary revenue. But one percent is \$2.7 million and one percent is \$2.7 million and together that is \$5.5 million. That \$5.5 million, if you want to look at the document, is a reduction in the second year in the biennium. It is not curtailing services. It means that starting July 1st, we will be able to continue to maintain services, but it also means that in January when you return here, you are going to find that you have certain program lines that are in a deficit position. You are going to find

some that are going to be insolvent. We are off the mark in AFDC and we have no control because the case load is growing. We are off the mark in settlement because we have no control but the case load is growing. And again we are off the mark in a number of other areas and the \$2.7 million which represents one percent in section 5 will be addressed in January. There are people in the communities and the community based services and the clients will continue to receive that service. We have no option. We are insolvent in the State of New Hampshire. You have to pass this document. You have to put it on the table and you have to pray to God that between now and next week, there is will in both chambers to raise the revenue to meet these necessary appropriations. Thank you.

SENATOR NELSON: Senator Stephen, I just have a question. I heard you mention Rockingham and a way to raise revenue. In your research, have you come up with any figures?

SENATOR STEPHEN: Yes, Senator Nelson. Before the fire occurred in 1979, the Rockingham track was paying 5 percent on win, place and show; and ten percent on the multiple bets. That was back then. What we are saying now, the State has allowed the Rock to pay one percent and two and I would like to raise it to two and a half and five. Which would bring in close to \$9 million in the biennium, and with the closure of the Suffolk track, we believe that 35 to 40 percent more business would be brought to the Rock.

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HB1500							
01 GENERAL GOVERNMENT				(CONT.)			
03 EXECUTIVE OFFICE				(CONT.)			
01 OFFICE OF THE GOVERNOR				(CONT.)			
03 STATE PLANNING OFFICE				(CONT.)			
01 STATE PLANNING ADMINISTRATION				(CONT.)			
INSERT IN PLACE THEREOF							
GENERAL FUND							
TOTAL							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
STATE PLANNING OFFICE							
GENERAL FUNDS							
OTHER FUNDS							
TOTAL							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
OFFICE OF THE GOVERNOR							
FEDERAL FUNDS							
GENERAL FUNDS							
OTHER FUNDS							
TOTAL							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
01 GENERAL GOVERNMENT							
03 EXECUTIVE OFFICE							
03 GOVERNOR'S COMM. ON HANDICAPPED							
01 COMMISSION ON THE HANDICAPPED							
STRIKE OUT							
10 PERSONAL SERVICES - PERMANENT							
INSERT IN PLACE THEREOF							
10 PERSONAL SERVICES - PERMANENT							
STRIKE OUT							
60 BENEFITS							
INSERT IN PLACE THEREOF							
60 BENEFITS							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
COMMISSION ON THE HANDICAPPED							

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

1978,211 2024,227
1978,211 2024,227
2771,630 2728,442
2464,631 2413,961
306,993 314,481
2771,630 2728,442

12374,107 11977,513
7002,453 6467,760
4456,211 4445,615
915,443 1064,138
12374,107 11977,513

69,424 70,690
74,424 80,690
27,509 31,161
28,959 33,944

201,507 216,235

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(CONT.)
(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
03 GOVERNOR'S COMM ON HANDICAPPED
01 COMMISSION ON THE HANDICAPPED

INSERT FEDERAL FUNDS
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

6,278 12,783
194,457 202,852
194,629 202,852
201,507 216,235

274,149 293,746

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
GOVERNOR'S COMM ON HANDICAPPED
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

78,920 90,294
194,629 202,852
600 600
274,149 293,746

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EXECUTIVE OFFICE
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

32932,116 32665,002
27004,135 26602,527
5011,938 4987,737
916,043 1064,738
32932,116 32665,002

01 GENERAL GOVERNMENT
04 DEPT ADMINISTRATIVE SERVICES
01 OFFICE OF THE COMMISSIONER
02 BUDGET OFFICE
03 SPECIAL DISBURSEMENTS

STRIKE OUT *
30 EQUIPMENT FUND *
INSERT IN PLACE THEREOF
30 EQUIPMENT FUND

824,581
557,066

111,855

574,221

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SPECIAL DISBURSEMENTS

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01 GENERAL GOVERNMENT							
04 DEPT ADMINISTRATIVE SERVICES							
01 OFFICE OF THE COMMISSIONER				(CONT.)			
02 BUDGET OFFICE				(CONT.)			
03 SPECIAL DISBURSEMENTS				(CONT.)			
				(CONT.)			
STRIKE OUT							
FEDERAL FUNDS							251,085
INSERT IN PLACE THEREOF							249,602
FEDERAL FUNDS							41,282
STRIKE OUT							10,642
09 AGENCY INCOME							549,369
INSERT IN PLACE THEREOF							313,977
09 AGENCY INCOME							574,221
STRIKE OUT							
GENERAL FUND						111,855	
INSERT IN PLACE THEREOF						111,855	
GENERAL FUND						111,855	
TOTAL							
01 GENERAL GOVERNMENT							
04 DEPT ADMINISTRATIVE SERVICES							
01 OFFICE OF THE COMMISSIONER							
02 BUDGET OFFICE							
04 INDIGENT DEFENDERS							
STRIKE OUT							
90 ASSIGNED COUNSEL					2000,000	2000,000	
INSERT IN PLACE THEREOF						1000,000	
90 ASSIGNED COUNSEL							
TOTAL						7274,125	6690,665
ESTIMATED SOURCE OF FUNDS FOR							
INDIGENT DEFENDERS							
STRIKE OUT							
GENERAL FUND						7274,125	7690,665
INSERT IN PLACE THEREOF						7274,125	6690,665
GENERAL FUND						7274,125	6690,665
TOTAL						8130,423	8064,206
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
BUDGET OFFICE							

AMENDMENTS TO	PAGE	6	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
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01 GENERAL GOVERNMENT				(CONT.)		
04 DEPT ADMINISTRATIVE SERVICES				(CONT.)		
01 OFFICE OF THE COMMISSIONER				(CONT.)		
02 BUDGET OFFICE				(CONT.)		
FEDERAL FUNDS						249,602
GENERAL FUNDS			8130,423			7803,962
OTHER FUNDS			8130,423			10,642
TOTAL						8064,206
TOTAL				9314,479		9381,444
ESTIMATED SOURCE OF FUNDS FOR						
OFFICE OF THE COMMISSIONER						
FEDERAL FUNDS						
GENERAL FUNDS			9314,479			249,602
OTHER FUNDS			9314,479			9121,200
TOTAL						10,642
						9381,444
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
05 BUREAU OF GENERAL SERVICES						
06 HEALTH & HUMAN SVCS BLDG						
STRIKE OUT						
94 BUILDING USE ALLOWANCE			426,386			
INSERT IN PLACE THEREOF			426,386			
94 BUILDING USE ALLOWANCE						
TOTAL			1747,537			1691,947
ESTIMATED SOURCE OF FUNDS FOR						
HEALTH & HUMAN SVCS BLDG						
STRIKE OUT						
01 OTHER AGENCY FUNDS			1747,537			1685,918
INSERT IN PLACE THEREOF			1747,537			1691,401
01 OTHER AGENCY FUNDS			1747,537			1691,947
TOTAL						
01 GENERAL GOVERNMENT						
04 DEPT ADMINISTRATIVE SERVICES						
05 DIVISION OF PLANT & PROPERTY						
05 BUREAU OF GENERAL SERVICES						
12 JOHNSON HALL						
STRIKE OUT						
48 CONTRACTUAL MAINT-BLDG&GRND			42,800			12,203
G						

AMENDMENTS TO	PAGE	7	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500					
01 GENERAL GOVERNMENT					
04 DEPT ADMINISTRATIVE SERVICES					
05 DIVISION OF PLANT & PROPERTY					
05 BUREAU OF GENERAL SERVICES					
12 JOHNSON HALL					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF					
48 CONTRACTUAL MAINT-BLDG&GRND		G			
TOTAL			42,800	13,613	
ESTIMATED SOURCE OF FUNDS FOR					134,708
JOHNSON HALL					
STRIKE OUT					
16 OTHER AGENCY FUNDS			120,922		108,398
INSERT IN PLACE THEREOF					
01 OTHER AGENCY FUNDS			120,922		109,808
TOTAL			145,690		134,708
TOTAL			4864,626	4766,492	
ESTIMATED SOURCE OF FUNDS FOR					
BUREAU OF GENERAL SERVICES					
GENERAL FUNDS			1915,858	1933,720	
OTHER FUNDS			2948,768	2832,772	
TOTAL			4864,626	4766,492	
TOTAL				7427,897	7450,690
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF PLANT & PROPERTY					
FEDERAL FUNDS					
GENERAL FUNDS			156,792	156,792	
OTHER FUNDS			2940,041	3028,387	
TOTAL			4331,064	4265,511	
TOTAL			7427,897	7427,897	7450,690
TOTAL			24858,972	25184,234	
ESTIMATED SOURCE OF FUNDS FOR					
DEPT ADMINISTRATIVE SERVICES					
FEDERAL FUNDS			156,792	156,792	
GENERAL FUNDS			17594,075	17812,969	
OTHER FUNDS			7108,105	6964,871	
TOTAL			24858,972	24858,972	25184,234
01 GENERAL GOVERNMENT					
05 SECRETARY OF STATE					
06 AUCTIONEERS BOARD					
INSERT					
90 TRAINING SEMINARS		G			5,000

AMENDMENTS TO PAGE 9 02/07/90

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

01 GENERAL GOVERNMENT
07 REVENUE ADMINISTRATION
02 REVENUE COLLECTIONS
01 AUDIT DIVISION
(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT AFTER SOURCE OF FUNDS

THE COMMISSIONER MAY FILL NEW POSITIONS FOR FY 1991 WITH PERSONNEL FROM WITHIN THE DEPARTMENT. POSITIONS VACATED BY SUCH ACTION SHALL BE EXEMPT FROM ANY RESTRICTIONS ON FILLING POSITIONS FOR 60 DAYS FROM THE DAY THEY ARE VACATED

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
REVENUE COLLECTIONS
GENERAL FUNDS
TOTAL

3527,490 4127,164

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
REVENUE ADMINISTRATION
GENERAL FUNDS
OTHER FUNDS
TOTAL

3527,490 4127,164
3527,490 4127,164

7094,636 8222,945
6588,226 7711,969
506,410 510,976
7094,636 8222,945

01 GENERAL GOVERNMENT
08 STATE TREASURY
04 SPECIAL GENERAL FUND DISTRIB

STRIKE OUT
43 DEBT SERVICE (TREASURY)
INSERT IN PLACE THEREOF
43 DEBT SERVICE (TREASURY)

32795,145 41563,000
32795,145 40563,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SPECIAL GENERAL FUND DISTRIB

90931,886 99572,066

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AMENDMENTS TO	PAGE	10	02/07/90		FISCAL YEAR 1990	FISCAL YEAR 1991
HB1500						
(CONT.)						
01 GENERAL GOVERNMENT						
08 STATE TREASURY						
04 SPECIAL GENERAL FUND DISTRIB						
(CONT.)						
(CONT.)						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
					90931,886	100572,066
					90931,886	99572,066
					90931,886	99572,066
					92011,313	100655,504
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
STATE TREASURY						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
					91716,525	100394,634
					294,788	260,870
					92011,313	100655,504
01 GENERAL GOVERNMENT						
10 NH RETIREMENT SYSTEM						
01 ADMINISTRATION						
STRIKE OUT						
30 EQUIPMENT						
INSERT IN PLACE THEREOF						
30 EQUIPMENT						
TOTAL						
					34,926	6,365
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION						
STRIKE OUT						
09 AGENCY INCOME						
INSERT IN PLACE THEREOF						
09 AGENCY INCOME						
TOTAL						
					1704,638	1656,793
					1704,638	1656,793
					1704,638	1656,793
TOTAL						
					14297,631	16103,023
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
NH RETIREMENT SYSTEM						
GENERAL FUNDS						
TOTAL						
					12592,993	14446,230

AMENDMENTS TO	PAGE	11	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500						
01 GENERAL GOVERNMENT						
10 NH RETIREMENT SYSTEM						
(CONT.)						
(CONT.)						
OTHER FUNDS						
TOTAL				1704,638	1656,793	
ESTIMATED SOURCE OF FUNDS FOR				14297,631	16103,023	
GENERAL GOVERNMENT						
FEDERAL FUNDS				185356,609	198459,817	
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				28767,242	28675,162	
02 ADMIN OF JUSTICE & PUBLIC PRTN				145412,527	158663,771	
01 JUDICIAL BRANCH				11176,840	11120,884	
01 SUPREME COURT				185356,609	198459,817	
STRIKE OUT						
96 NCSC DUES					20,000	
TOTAL				3023,608	3266,132	
ESTIMATED SOURCE OF FUNDS FOR						
SUPREME COURT						
STRIKE OUT						
GENERAL FUND				3023,608	3286,132	
INSERT IN PLACE THEREOF						
GENERAL FUND				3023,608	3266,132	
TOTAL				3023,608	3266,132	
02 ADMIN OF JUSTICE & PUBLIC PRTN						
01 JUDICIAL BRANCH						
02 SUPERIOR COURT						
STRIKE OUT						
70 IN-STATE TRAVEL				187,000	189,000	

AMENDMENTS TO	PAGE	12 02/07/90			----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
H81500						
02 ADMIN OF JUSTICE & PUBLIC PRIN						
01 JUDICIAL BRANCH						
02 SUPERIOR COURT						
(CONT.)						
(CONT.)						
(CONT.)						
INSERT IN PLACE THEREOF						
70 IN-STATE TRAVEL		187,000			175,000	
STRIKE OUT						
94 SHERIFF REIMBURSEMENT		625,273			691,823	
INSERT IN PLACE THEREOF						
94 SHERIFF REIMBURSEMENT		625,273			625,273	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
SUPERIOR COURT				11860,827		12947,232
STRIKE OUT						
GENERAL FUND				10755,827		11922,782
INSERT IN PLACE THEREOF						
GENERAL FUND				10755,827		11842,232
TOTAL				11860,827		12947,232
02 ADMIN OF JUSTICE & PUBLIC PRIN						
01 JUDICIAL BRANCH						
04 DISTRICT AND MUNICIPAL COURTS						
STRIKE OUT						
20 CURRENT EXPENSES		630,437			630,437	
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES		630,437			600,000	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
DISTRICT AND MUNICIPAL COURTS				10318,655		11110,155
STRIKE OUT						
GENERAL FUND				8768,655		9590,592
INSERT IN PLACE THEREOF						
GENERAL FUND				8768,655		9560,155
TOTAL				10318,655		11110,155
02 ADMIN OF JUSTICE & PUBLIC PRIN						
01 JUDICIAL BRANCH						
05 STATE WIDE EXPENDITURES						
STRIKE OUT						
90 LIBRARY		100,000				100,000

AMENDMENTS TO HB1500	PAGE	13	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
(CONT.)						
(CONT.)						
(CONT.)						
02 ADMIN OF JUSTICE & PUBLIC PRTN 01 JUDICIAL BRANCH 05 STATE WIDE EXPENDITURES						
INSERT IN PLACE THEREOF						
90 LIBRARY				100,000	75,000	3890,000
TOTAL				3965,000		
ESTIMATED SOURCE OF FUNDS FOR						
STATE WIDE EXPENDITURES						
STRIKE OUT						
GENERAL FUND				3965,000		3915,000
INSERT IN PLACE THEREOF				3965,000		3890,000
GENERAL FUND				3965,000		3890,000
TOTAL						
02 ADMIN OF JUSTICE & PUBLIC PRTN 01 JUDICIAL BRANCH 06 COURT SECURITY						
STRIKE OUT						
92 SHERIFF REIMBURSEMENT				120,000	120,000	
INSERT IN PLACE THEREOF				120,000	100,000	
92 SHERIFF REIMBURSEMENT						
STRIKE OUT						
93 SECURITY			D	200,000	200,000	
INSERT IN PLACE THEREOF				200,000	125,000	
93 SECURITY			D			
TOTAL				368,157		277,061
ESTIMATED SOURCE OF FUNDS FOR						
COURT SECURITY						
STRIKE OUT						
GENERAL FUND				368,157		372,061
INSERT IN PLACE THEREOF				368,157		277,061
GENERAL FUND				368,157		277,061
TOTAL						
02 ADMIN OF JUSTICE & PUBLIC PRTN 01 JUDICIAL BRANCH 07 BAR EXAMINERS						
STRIKE OUT						
50 PERSONAL SERVICES - OTHER				2,251	2,200	

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HB1500

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

02 ADMIN OF JUSTICE & PUBLIC PRTN (CONT.)
03 AGRICULTURE (CONT.)
01 OFFICE OF COMMISSIONER (CONT.)

BE DISTRIBUTED ON A PRO RATA BASIS BASED UPON
THE PREMIUM PAID BY EACH FAIR: \$25,000 FOR
PROMOTION AT THE RATE OF \$1,000 PER FAIR WITH
THE BALANCE TO BE DISTRIBUTED ON A PRO RATA
BASIS BASED UPON THE PROMOTION EXPENSES OF EACH
FAIR.

TOTAL	280,645	291,204
ESTIMATED SOURCE OF FUNDS FOR		
OFFICE OF COMMISSIONER		
STRIKE OUT		
GENERAL FUND	205,645	216,204
INSERT IN PLACE THEREOF	280,645	291,204
GENERAL FUND	280,645	291,204
TOTAL	1920,656	1947,856
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
AGRICULTURE	65,653	55,875
FEDERAL FUNDS	1811,503	1846,463
GENERAL FUNDS	43,500	43,500
OTHER FUNDS	1920,656	1947,856
TOTAL		

02 ADMIN OF JUSTICE & PUBLIC PRTN
04 DEPARTMENT OF JUSTICE
03 DIVISION OF LEGAL COUNSEL
01 CIVIL LAW

STRIKE OUT	528,557	582,558
13 ASSISTANT ATTORNEYS GENERAL		
INSERT IN PLACE THEREOF	504,108	481,142
STRIKE ASSISTANT ATTORNEYS GENERAL	184,784	219,875
BENEFITS		
INSERT IN PLACE THEREOF	178,535	191,651
60 BENEFITS		

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

02 ADMIN OF JUSTICE & PUBLIC PRTN

04 DEPARTMENT OF JUSTICE

03 DIVISION OF LEGAL COUNSEL

01 CIVIL LAW

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
CIVIL LAW
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

925,593 917,028

977,086
847,446
917,028

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF LEGAL COUNSEL
GENERAL FUNDS
OTHER FUNDS
TOTAL

1419,178 1460,936
856,011 847,446
563,167 613,490
1419,178 1460,936

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DEPARTMENT OF JUSTICE
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

5424,655 5691,114
368,816 318,631
3729,244 3902,131
1326,595 1470,352
5424,655 5691,114

02 ADMIN OF JUSTICE & PUBLIC PRTN

05 BANK COMMISSION

01 GENERAL SERVICES AND ADMIN

STRIKE OUT
80 OUT-OF-STATE TRAVEL
INSERT IN PLACE THEREOF
80 OUT-OF-STATE TRAVEL

13,000 15,000
13,000 15,000

INSERT

AMENDMENTS TO	PAGE	17	02/07/90		FISCAL YEAR 1990	FISCAL YEAR 1991
HB1500						
02 ADMIN OF JUSTICE & PUBLIC PRTN						
05 BANK COMMISSION						
01 GENERAL SERVICES AND ADMIN.						
				(CONT.)		
				(CONT.)		
				(CONT.)		
FUNDS IN THIS CLASS LINE ARE RESTRICTED TO TRAVEL NECESSARY FOR THE PERFORMANCE OF THE AGENCY'S MISSION AND SHALL NOT BE USED FOR INSTRUCTIONAL, EDUCATIONAL OR SUCH OTHER SIMILAR ACTIVITY.						
TOTAL					1312,912	1416,742
02 ADMIN OF JUSTICE & PUBLIC PRTN						
05 BANK COMMISSION						
02 SMALL LOAN & VEHICLE FINANCE						
STRIKE OUT						
80 OUT OF STATE TRAVEL				400		400
INSERT IN PLACE THEREOF						
80 OUT OF STATE TRAVEL				400		400
INSERT						
FUNDS IN THIS CLASS LINE ARE RESTRICTED TO TRAVEL NECESSARY FOR THE PERFORMANCE OF THE AGENCY'S MISSION AND SHALL NOT BE USED FOR INSTRUCTIONAL, EDUCATIONAL OR SUCH OTHER SIMILAR ACTIVITY.						
TOTAL					154,388	168,360
TOTAL					1467,300	1585,102
ESTIMATED SOURCE OF FUNDS FOR						
BANK COMMISSION						
OTHER FUNDS						
TOTAL					1467,300	1585,102
02 ADMIN OF JUSTICE & PUBLIC PRTN						
07 OFFICE OF EMERGENCY MANAGEMENT						
01 EMERGENCY MGT. ASSISTANCE						
01 EMERGENCY MGT. ASSIST-STATE						
STRIKE OUT						
50 PERSONAL SERVICES - OTHER						15,108

AMENDMENTS TO	PAGE	18	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
02 ADMIN OF JUSTICE & PUBLIC PRIN 07 OFFICE OF EMERGENCY MANAGEMENT 01 EMERGENCY MGT. ASSISTANCE 01 EMERGENCY MGT. ASSIST-STATE				(CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF						
50 PERSONAL SERVICES - OTHER			15,108		14,562	
STRIKE OUT						
60 BENEFITS			108,830		131,418	
INSERT IN PLACE THEREOF						
60 BENEFITS			108,830		132,532	
TOTAL			654,404		715,484	
ESTIMATED SOURCE OF FUNDS FOR EMERGENCY MGT. ASSIST-STATE						
STRIKE OUT						
FEDERAL FUNDS			327,202		349,904	
INSERT IN PLACE THEREOF						
FEDERAL FUNDS			327,202		357,742	
STRIKE OUT						
GENERAL FUND			327,202		349,904	
INSERT IN PLACE THEREOF						
GENERAL FUND			327,202		357,742	
TOTAL			654,404		715,484	
TOTAL			848,099		909,179	
ESTIMATED SOURCE OF FUNDS FOR EMERGENCY MGT. ASSISTANCE						
FEDERAL FUNDS			480,703		511,243	
GENERAL FUNDS			367,396		397,936	
TOTAL			848,099		909,179	
02 ADMIN OF JUSTICE & PUBLIC PRIN 07 OFFICE OF EMERGENCY MANAGEMENT 08 STATE ASSISTANCE PROGRAM						
STRIKE OUT						
20 CURRENT EXPENSES			4,078		3,670	
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES			1,200		1,200	

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02 ADMIN OF JUSTICE & PUBLIC PRIN
07 OFFICE OF EMERGENCY MANAGEMENT
08 STATE ASSISTANCE PROGRAM

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

STRIKE OUT			
22 RENTS & LEASES TO NON-STATE	1,687		1,687
STRIKE OUT			
28 TRANSFERS TO GEN'L SERVICES	3,592		2,205
INSERT IN PLACE THEREOF			
28 TRANSFERS TO GEN'L SERVICES	3,592		3,615
STRIKE OUT			
40 INDIRECT COSTS	2,691		2,691
INSERT IN PLACE THEREOF			
40 INDIRECT COSTS	900		900
INSERT			
50 PERSONAL SERVICES - OTHER	5,165		5,074
INSERT			
60 BENEFITS	395		388
STRIKE OUT			
70 IN-STATE TRAVEL	957		957
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	1,400		1,400
INSERT			
90 PLANNING SERVICES	5,700		5,791
STRIKE OUT			
93 TRAINING	2,860		
TOTAL	18,398		18,416
ESTIMATED SOURCE OF FUNDS FOR			
STATE ASSISTANCE PROGRAM			
STRIKE OUT			
FEDERAL FUNDS	11,933		8,444
INSERT IN PLACE THEREOF			
FEDERAL FUNDS	13,799		13,812
STRIKE OUT			
GENERAL FUND	3,978		2,814
INSERT IN PLACE THEREOF			
GENERAL FUND	4,599		4,604
TOTAL	18,398		18,416
TOTAL	2833,959		3013,402

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02 ADMIN OF JUSTICE & PUBLIC PRIN
07 OFFICE OF EMERGENCY MANAGEMENT (CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF EMERGENCY MANAGEMENT
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

926,833 975,245
397,233 420,026
1509,893 1618,131
2833,959 3013,402

02 ADMIN OF JUSTICE & PUBLIC PRIN
10 FIRE STANDARDS & TRAINING COMM
01 ADMINISTRATION

STRIKE OUT
50 PERSONAL SERVICES - OTHER
INSERT IN PLACE THEREOF
50 PERSONAL SERVICES - OTHER
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

66,707 70,834
66,707 45,834
37,574 43,319
37,574 41,406

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

277,192 269,209
277,192 296,122
277,192 289,209
277,192 289,209

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
FIRE STANDARDS & TRAINING COMM
GENERAL FUNDS
OTHER FUNDS
TOTAL

547,398 522,072
421,630 392,897
125,768 138,275
547,398 522,072

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

AMENDMENTS TO		FISCAL YEAR 1990		FISCAL YEAR 1991	
HB1500	PAGE	21	02/07/90		
(CONT.)					
(CONT.)					
02 ADMIN OF JUSTICE & PUBLIC PRIN TO FIRE STANDARDS & TRAINING COMM					
02 ADMIN OF JUSTICE & PUBLIC PRIN					
11 INSURANCE DEPARTMENT					
01 ADMINISTRATION					
STRIKE OUT					
80 OUT-OF-STATE TRAVEL			6,053		6,053
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL			6,053		6,053
INSERT					
FUND IN THIS CLASS LINE ARE RESTRICTED TO TRAVEL NECESSARY FOR THE PERFORMANCE OF THE AGENCY'S MISSION AND SHALL NOT BE USED FOR INSTRUCTIONAL, EDUCATIONAL OR SUCH OTHER SIMILAR ACTIVITY.					
TOTAL			1007,508		1113,965
02 ADMIN OF JUSTICE & PUBLIC PRIN					
11 INSURANCE DEPARTMENT					
02 EXAMINATION DIVISION					
STRIKE OUT					
80 OUT-OF-STATE TRAVEL			75,993		75,993
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL			75,993		75,993
INSERT					
FUND IN THIS CLASS LINE ARE RESTRICTED TO TRAVEL NECESSARY FOR THE PERFORMANCE OF THE					

AMENDMENTS TO	PAGE	22	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500						
02 ADMIN OF JUSTICE & PUBLIC PRTN						
11 INSURANCE DEPARTMENT				(CONT.)		
02 EXAMINATION DIVISION				(CONT.)		
AGENCY'S MISSION AND SHALL NOT BE USED FOR						
INSTRUCTIONAL, EDUCATIONAL OR SUCH OTHER						
SIMILAR ACTIVITY.						
TOTAL					878,437	938,666
TOTAL					2468,417	2612,414
ESTIMATED SOURCE OF FUNDS FOR						
INSURANCE DEPARTMENT						
GENERAL FUNDS					582,472	559,783
OTHER FUNDS					1885,945	2052,631
TOTAL					2468,417	2612,414
02 ADMIN OF JUSTICE & PUBLIC PRTN						
13 LIQUOR COMMISSION						
01 OFFICE OF THE COMMISSIONER						
02 REGULATION						
STRIKE OUT						
50 PERSONAL SERVICES - OTHER				7,162		
INSERT IN PLACE THEREOF				7,162		7,000
50 PERSONAL SERVICES - OTHER						
STRIKE OUT				219,104		254,677
60 BENEFITS						
INSERT IN PLACE THEREOF				219,104		255,213
60 BENEFITS						
TOTAL				1170,653		1251,344
ESTIMATED SOURCE OF FUNDS FOR						
REGULATION						
STRIKE OUT						
GENERAL FUND				1170,653		1243,808
INSERT IN PLACE THEREOF				1170,653		1251,344
GENERAL FUND				1170,653		1251,344
TOTAL				1170,653		1251,344
TOTAL				1910,506		2014,450

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
13 LIQUOR COMMISSION
01 OFFICE OF THE COMMISSIONER

(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF THE COMMISSIONER
GENERAL FUNDS
TOTAL

1310,506
1910,506
2014,450
2014,450

02 ADMIN OF JUSTICE & PUBLIC PRIN
13 LIQUOR COMMISSION
02 DATA PROCESSING

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS
STRIKE OUT
70 IN-STATE TRAVEL
INSERT IN PLACE THEREOF
70 IN-STATE TRAVEL

440,556
440,556
113,807
113,807
2,500
2,500
464,394
486,787
129,695
135,927
2,500
5,300

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DATA PROCESSING
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
TOTAL

938,945
938,945
938,945
938,945
971,517
940,092
971,517
971,517

02 ADMIN OF JUSTICE & PUBLIC PRIN
13 LIQUOR COMMISSION
04 MERCHANDISING
02 STORES
01 STORES

STRIKE OUT
30 EQUIPMENT

69,136

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HB1500							
02 ADMIN OF JUSTICE & PUBLIC PRIN							
13 LIQUOR COMMISSION				(CONT.)			
04 MERCHANDISING				(CONT.)			
02 STORES				(CONT.)			
01 STORES				(CONT.)			
INSERT IN PLACE THEREOF				69,136			
30 EQUIPMENT							98,820
STRIKE OUT							
PERSONAL SERVICES - OTHER				1344,052			1313,705
INSERT IN PLACE THEREOF							
PERSONAL SERVICES - OTHER				1344,052			1427,209
STRIKE OUT							
60 BENEFITS				1846,884			2053,616
INSERT IN PLACE THEREOF							
60 BENEFITS				1846,884			2062,299
TOTAL					13611,021		13980,136
ESTIMATED SOURCE OF FUNDS FOR							
STORES							
STRIKE OUT							
GENERAL FUND					13611,021		13759,129
INSERT IN PLACE THEREOF							
GENERAL FUND					13611,021		13980,136
TOTAL					13611,021		13980,136
02 ADMIN OF JUSTICE & PUBLIC PRIN							
13 LIQUOR COMMISSION							
04 MERCHANDISING							
02 STORES							
02 ADVERTISING							
STRIKE OUT							
20 CURRENT EXPENSES				321,715			289,544
INSERT IN PLACE THEREOF							
20 CURRENT EXPENSES				321,715			321,715
TOTAL					321,715		321,715
ESTIMATED SOURCE OF FUNDS FOR							
ADVERTISING							
STRIKE OUT							
GENERAL FUND					321,715		289,544
INSERT IN PLACE THEREOF							
GENERAL FUND					321,715		321,715

AMENDMENTS TO	PAGE	26	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500						
02 ADMIN OF JUSTICE & PUBLIC PRTN						
13 LIQUOR COMMISSION				(CONT.)		
05 WAREHOUSE				(CONT.)		
TOTAL					18678,920	19265,094
ESTIMATED SOURCE OF FUNDS FOR						
LIQUOR COMMISSION					18678,920	19265,094
GENERAL FUNDS					18678,920	19265,094
TOTAL						
02 ADMIN OF JUSTICE & PUBLIC PRTN						
14 PUBLIC UTILITIES COMMISSION						
01 OFFICE OF THE COMMISSIONER						
STRIKE OUT						
80 OUT-OF-STATE TRAVEL					53,690	53,690
INSERT IN PLACE THEREOF					53,690	53,690
80 OUT-OF-STATE TRAVEL						
INSERT						
FUNDS IN THIS CLASS LINE ARE RESTRICTED TO						
TRAVEL NECESSARY FOR THE PERFORMANCE OF THE						
AGENCY'S MISSION AND SHALL NOT BE USED FOR						
INSTRUCTIONAL, EDUCATIONAL OR SUCH OTHER						
SIMILAR ACTIVITY.						
TOTAL					2780,680	2934,183
02 ADMIN OF JUSTICE & PUBLIC PRTN						
14 PUBLIC UTILITIES COMMISSION						
02 CONSUMER ADVOCATE						
STRIKE OUT						
46 CONSULTANTS					29,375	47,000
INSERT IN PLACE THEREOF					29,375	23,500
46 CONSULTANTS						

AMENDMENTS TO	PAGE	28	02/07/90			----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500							
02 ADMIN OF JUSTICE & PUBLIC PRTN							
15 DEPARTMENT OF SAFETY							
01 OFFICE OF COMMISSIONER							
02 BUREAU OF HEARINGS							
(CONT.)							
(CONT.)							
(CONT.)							
(CONT.)							
INSERT IN PLACE THEREOF							
10 PERSONAL SERVICES - PERMANENT							
STRIKE OUT							
60 BENEFITS							
INSERT IN PLACE THEREOF							
60 BENEFITS							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
BUREAU OF HEARINGS							
STRIKE OUT							
02 TRANSFER FROM DOT							
INSERT IN PLACE THEREOF							
02 TRANSFER FROM DOT							
TOTAL							
02 ADMIN OF JUSTICE & PUBLIC PRTN							
15 DEPARTMENT OF SAFETY							
01 OFFICE OF COMMISSIONER							
03 BUREAU OF FIRE SAFETY							
STRIKE OUT							
03 EQUIPMENT							
INSERT IN PLACE THEREOF							
30 EQUIPMENT							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
BUREAU OF FIRE SAFETY							
STRIKE OUT							
GENERAL FUND							
INSERT IN PLACE THEREOF							
GENERAL FUND							
TOTAL							
TOTAL							
						2189,724	2358,138
						568,434	667,851
						568,434	635,833
						568,434	667,851
						568,434	667,851
						48,750	762,234
						700,335	
						700,335	713,484
						700,335	762,234
						700,335	762,234

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
01 OFFICE OF COMMISSIONER

(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF COMMISSIONER
GENERAL FUNDS
OTHER FUNDS
TOTAL

1042,825
1315,313
2358,138

938,410
1251,314
2189,724

02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
02 DIVISION OF ADMINISTRATION
06 ROAD TOLL ADMINISTRATION

STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES

64,600
64,600

61,370
64,600

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ROAD TOLL ADMINISTRATION

582,716

633,276

STRIKE OUT
02 TRANSFER FROM DOT
INSERT IN PLACE THEREOF
02 TRANSFER FROM DOT
TOTAL

582,716

630,046

582,716

633,276

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF ADMINISTRATION
OTHER FUNDS
TOTAL

5264,617

5711,947

02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
03 DIVISION OF MOTOR VEHICLE
01 DRIVER LICENSING

5264,617
5264,617

5711,947
5711,947

STRIKE OUT
20 CURRENT EXPENSES

227,800

225,910

AMENDMENTS TO	PAGE	30	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
(CONT.)					
02 ADMIN OF JUSTICE & PUBLIC PRIN					
15 DEPARTMENT OF SAFETY					
03 DIVISION OF MOTOR VEHICLE					
01 DRIVER LICENSING					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		227,800		237,800	
TOTAL			1426,443		1559,851
ESTIMATED SOURCE OF FUNDS FOR					
DRIVER LICENSING					
STRIKE OUT					
02 TRANSFER FROM DOT			1426,443		1547,961
INSERT IN PLACE THEREOF					1559,851
02 TRANSFER FROM DOT			1426,443		1559,851
TOTAL					
(CONT.)					
02 ADMIN OF JUSTICE & PUBLIC PRIN					
15 DEPARTMENT OF SAFETY					
03 DIVISION OF MOTOR VEHICLE					
03 CERTIFICATE OF TITLE					
(CONT.)					
STRIKE OUT					
20 CURRENT EXPENSES		114,200		115,185	
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		114,200		121,200	
TOTAL			763,115		865,999
ESTIMATED SOURCE OF FUNDS FOR					
CERTIFICATE OF TITLE					
STRIKE OUT					
02 TRANSFER FROM DOT			763,115		859,984
INSERT IN PLACE THEREOF					865,999
02 TRANSFER FROM DOT			763,115		865,999
TOTAL					
TOTAL				7215,861	7825,704
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF MOTOR VEHICLE					
OTHER FUNDS					
TOTAL				7215,861	7825,704
					7825,704

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02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
03 DIVISION OF MOTOR VEHICLE

(CONT.)
(CONT.)
(CONT.)

02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
05 DIVISION OF STATE POLICE
01 COMMUNICATIONS SECTION

STRIKE OUT

20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES

258,200 246,280
258,200 258,200

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
COMMUNICATIONS SECTION

1011,036 1139,384

STRIKE OUT

05 TRANSFER FROM DOT
INSERT IN PLACE THEREOF
02 TRANSFER FROM DOT

1011,035 1127,463
1011,035 1139,383
1011,036 1139,384

TOTAL

ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF STATE POLICE
GENERAL FUNDS
OTHER FUNDS

16676,109 18385,892
935,603 1023,280
15740,506 17362,612
16676,109 18385,892

02 ADMIN OF JUSTICE & PUBLIC PRIN
15 DEPARTMENT OF SAFETY
06 DIVISION OF SAFETY SERVICES
01 WATERCRAFT SAFETY

STRIKE OUT

30 EQUIPMENT
INSERT IN PLACE THEREOF
30 EQUIPMENT

56,842 87,750
56,842

AMENDMENTS TO	PAGE	32	02/07/90	---	FISCAL YEAR 1990	-----	FISCAL YEAR 1991	-----
02 ADMIN OF JUSTICE & PUBLIC PRTN								
15 DEPARTMENT OF SAFETY								
06 DIVISION OF SAFETY SERVICES								
01 WATERCRAFT SAFETY								
				(CONT.)				
				(CONT.)				
				(CONT.)				
				(CONT.)				
TOTAL					1175,063		1114,947	
ESTIMATED SOURCE OF FUNDS FOR								
WATERCRAFT SAFETY								
STRIKE OUT								
GENERAL FUND					1175,063		1027,197	
INSERT IN PLACE THEREOF					1175,063		1114,947	
GENERAL FUND					1175,063		1114,947	
TOTAL								
TOTAL						1273,253		1220,824
ESTIMATED SOURCE OF FUNDS FOR								
DIVISION OF SAFETY SERVICES								
GENERAL FUNDS					1261,253		1208,824	
OTHER FUNDS					12,000		12,000	
TOTAL						1273,253		1220,824
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
DEPARTMENT OF SAFETY								
FEDERAL FUNDS								
GENERAL FUNDS					36501,153		39604,218	
OTHER FUNDS								
TOTAL								
					296,556		331,860	
					3407,351		3562,478	
					32797,246		35709,880	
					36501,153		39604,218	
02 ADMIN OF JUSTICE & PUBLIC PRTN								
16 DEPARTMENT OF CORRECTIONS								
03 DIVISION OF ADULT SERVICES								
02 BUREAU OF PROGRAMS								
03 MENTAL HEALTH								
STRIKE OUT								
10 PERSONAL SERVICES - PERMANENT *					446,296		544,782	
INSERT IN PLACE THEREOF								
10 PERSONAL SERVICES - PERMANENT *					446,296		500,438	
STRIKE OUT								
60 BENEFITS					114,073		151,613	

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
16 DEPARTMENT OF CORRECTIONS
03 DIVISION OF ADULT SERVICES
02 BUREAU OF PROGRAMS
03 MENTAL HEALTH

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
60 BENEFITS

114,073

139,272

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
MENTAL HEALTH
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

579,169

658,510

715,195

658,510

579,169

658,510

579,169

658,510

3843,077

4447,103

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
BUREAU OF PROGRAMS
GENERAL FUNDS
OTHER FUNDS
TOTAL

3835,749

4439,775

7,328

7,328

3843,077

4447,103

18784,150

21449,204

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF ADULT SERVICES
GENERAL FUNDS
OTHER FUNDS
TOTAL

18718,822

21381,876

65,328

67,328

18784,150

21449,204

27848,931

31626,163

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DEPARTMENT OF CORRECTIONS
GENERAL FUNDS
OTHER FUNDS
TOTAL

27483,603

31258,825

365,328

367,328

27848,931

31626,163

02 ADMIN OF JUSTICE & PUBLIC PRIN
18 JUDICIAL COUNCIL

STRIKE OUT
20 CURRENT EXPENSES

11,961

10,765

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HB1500

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

02 ADMIN OF JUSTICE & PUBLIC PRIN
18 JUDICIAL COUNCIL

(CONT.)
(CONT.)

INSERT IN PLACE THEREOF	11,961		11,265
20 CURRENT EXPENSES			
STRIKE OUT	1,689		1,689
70 IN-STATE TRAVEL			
INSERT IN PLACE THEREOF	1,689		1,189
70 IN-STATE TRAVEL			
TOTAL	87,553		92,213
TOTAL	153953,437		165850,253
ESTIMATED SOURCE OF FUNDS FOR			
ADMIN OF JUSTICE & PUBLIC PRIN			
FEDERAL FUNDS	16122,007		17202,897
GENERAL FUNDS	89841,781		96926,330
OTHER FUNDS	47989,649		51721,026
TOTAL	153953,437		165850,253

03 RESOURCE PROTECT'N & DEVELOP T
01 FISH AND GAME DEPARTMENT
01 ADMINISTRATION AND SUPPORT
02 OFFICE OF DIRECTOR

STRIKE OUT	3,000		
30 EQUIPMENT			
INSERT IN PLACE THEREOF	3,000		38,000
30 EQUIPMENT			
TOTAL	254,905		349,793
ESTIMATED SOURCE OF FUNDS FOR			
OFFICE OF DIRECTOR			
STRIKE OUT	213,197		268,300
FISH AND GAME FUND			
INSERT IN PLACE THEREOF	213,197		306,300
FISH AND GAME FUND	254,905		349,793
TOTAL	2170,572		2305,138

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03 RESOURCE PROTECTION & DEVELOPMENT
01 FISH AND GAME DEPARTMENT
01 ADMINISTRATION AND SUPPORT

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION AND SUPPORT

FEDERAL FUNDS
FISH AND GAME
OTHER FUNDS

TOTAL

273,421
1874,251
122,900
2170,572
9095,126

286,506
1995,642
22,900
2305,138
9594,966

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
FISH AND GAME DEPARTMENT

FEDERAL FUNDS
FISH AND GAME
OTHER FUNDS

TOTAL

1389,267
5972,319
1733,540
9095,126

1433,856
6386,930
1782,180
9594,966

03 RESOURCE PROTECTION & DEVELOPMENT
01 RESOURCES & ECONOMIC DEVELOPMENT
01 ADMINISTRATION AND SUPPORT
01 OFFICE OF COMMISSIONER

STRIKE OUT

20 EQUIPMENT

INSERT IN PLACE THEREOF

20 EQUIPMENT

STRIKE OUT

80 OUT-OF-STATE TRAVEL

INSERT IN PLACE THEREOF

80 OUT-OF-STATE TRAVEL

INSERT

2,978 245,465

2,978 121,836

119

119 14,000

THIS APPROPRIATION, TO BE ADMINISTERED BY THE COMMISSIONER, IS FOR NECESSARY OUT-OF-STATE TRAVEL NEEDS OF THE DEPARTMENT AND SHALL BE EXPENDED AT THE COMMISSIONER'S DISCRETION.

TOTAL

864,591

1046,561

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	PAGE
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03 RESOURCE PROTECT'N & DEVELOP T (CONT.)
03 RESOURCES & ECONOMIC DEVELOP T (CONT.)
01 ADMINISTRATION AND SUPPORT (CONT.)
01 OFFICE OF COMMISSIONER (CONT.)

ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF COMMISSIONER

GENERAL FUND	864,591	1145,315
INSERT IN PLACE THEREOF		
GENERAL FUND	864,591	1025,686
TOTAL	864,591	1025,686

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
01 ADMINISTRATION AND SUPPORT
02 DESIGN DEVELOPMENT & MAINTENANCE

STRIKE OUT	317, 648	345, 904
10 PERSONAL SERVICES - PERMANENT		
INSERT IN PLACE THEREOF	317, 648	345, 904
10 PERSONAL SERVICES - PERMANENT		
STRIKE OUT	317, 303	343, 374
60 BENEFITS	82, 563	96, 265
INSERT IN PLACE THEREOF	82, 563	96, 265
60 BENEFITS	82, 475	95, 561

831,950 749,286

TRIKE OUT	GENERAL FUND	GENERAL FUND	GENERAL FUND
DESIGN DEVELOPMENT & MAINTENANCE			

GENERAL FUND	832,383	752,520
INSERT IN PLACE THEREOF		
GENERAL FUND	831,950	749,286
TOTAL	831,950	749,286

1807, 986
1912, 590

43,530	46,002
1696,541	1784,972

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
01 ADMINISTRATION AND SUPPORT

(CONT.)
(CONT.)
(CONT.)

OTHER FUNDS
TOTAL

67,915
1807,986
81,616
1912,590

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
02 ECONOMIC DEVELOPMENT
01 ADMINISTRATION AND SUPPORT

STRIKE OUT
80 OUT-OF-STATE TRAVEL
INSERT IN PLACE THEREOF
80 OUT-OF-STATE TRAVEL

2,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION AND SUPPORT
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

327,098

339,135

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND

327,098

341,135

339,135

339,135

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
02 ECONOMIC DEVELOPMENT
02 INDUSTRIAL DEVELOPMENT

STRIKE OUT
80 OUT-OF-STATE TRAVEL
INSERT IN PLACE THEREOF
80 OUT-OF-STATE TRAVEL

10,000

STRIKE OUT
91 FOREIGN BUSINESS DEVELOPMENT
INSERT IN PLACE THEREOF
91 FOREIGN BUSINESS DEVELOPMENT

1

3,500

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HB1500						
03 RESOURCE PROTECT'N & DEVELOP'T 03 RESOURCES & ECONOMIC DEVELOP'T 02 ECONOMIC DEVELOPMENT 02 INDUSTRIAL DEVELOPMENT				(CONT.) (CONT.) (CONT.) (CONT.)		
TOTAL					433,528	452,853
ESTIMATED SOURCE OF FUNDS FOR						
INDUSTRIAL DEVELOPMENT						
STRIKE OUT					433,528	459,354
GENERAL FUND						
INSERT IN PLACE THEREOF					433,528	452,853
GENERAL FUND					433,528	452,853
TOTAL						
03 RESOURCE PROTECT'N & DEVELOP'T 03 RESOURCES & ECONOMIC DEVELOP'T 02 ECONOMIC DEVELOPMENT 03 VACATION TRAVEL PROMOTION						
STRIKE OUT						
90 PRINTING ADV BRANCH OFFICE				1178,190		1153,190
INSERT IN PLACE THEREOF						
90 PRINTING ADV BRANCH OFFICE			**	1178,190		1149,690
INSERT						
** WITHIN THIS APPROPRIATION THERE IS \$5,000 IN EACH YEAR THAT MAY BE EXPENDED, AT THE DISCRETION OF THE COMMISSIONER, FOR IN-STATE OR OUT-OF-STATE TRAVEL ASSOCIATED WITH TRADE SHOWS.						
TOTAL					2087,076	2059,844
ESTIMATED SOURCE OF FUNDS FOR						
VACATION TRAVEL PROMOTION						
STRIKE OUT					2087,076	2057,344
GENERAL FUND						
INSERT IN PLACE THEREOF					2087,076	2059,844
GENERAL FUND					2087,076	2059,844
TOTAL						

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
03 FORESTRY AND LAND RESOURCES
04 FOREST & LAND MANAGEMENT
C1 FOREST & LAND MANAGEMENT

(CONT)
(CONT)
(CONT)
(CONT)

INSERT IN PLACE THEREOF 94,571 45 500
50 PERSONAL SERVICES - OTHER
STRIKE OUT
60 BENEFITS 66,416 70,801
INSERT IN PLACE THEREOF
60 BENEFITS 66,416 72,484

TOTAL 438,628 406,525

ESTIMATED SOURCE OF FUNDS FOR
FOREST & LAND MANAGEMENT

STRIKE OUT 20,427 21,498

09 AGENCY INCOME

INSERT IN PLACE THEREOF 32,900 32,900

09 AGENCY INCOME

STRIKE OUT 418,201 361,344

GENERAL FUND

INSERT IN PLACE THEREOF 405,728 373,625

GENERAL FUND

TOTAL 438,628 406,525

TOTAL 685,466 667,584

ESTIMATED SOURCE OF FUNDS FOR
FOREST & LAND MANAGEMENT

GENERAL FUNDS 652,566 634,684

OTHER FUNDS 32,900 32,900

TOTAL 685,466 667,584

1730,350 1755,229

ESTIMATED SOURCE OF FUNDS FOR
FORESTRY AND LAND RESOURCES

GENERAL FUNDS 88,951 90,094

GENERAL FUNDS 1599,185 1622,642

OTHER FUNDS 42,214 42,493

TOTAL 1730,350 1755,229

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
04 PARKS AND RECREATION
02 PARKS FRANCONIA - SUNAPEE
01 PARKS FRANCONIA

STRIKE OUT 48,827
30 EQUIPMENT

AMENDMENTS TO	PAGE	42	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500						
03 RESOURCE PROTECT'N & DEVELOP'T 03 RESOURCES & ECONOMIC DEVELOP'T 04 PARKS AND RECREATION 02 PARKS FRANCONIA - SUNAPEE 02 PARKS SUNAPEE				(CONT.) (CONT.) (CONT.) (CONT.)		1616,862 4581,769 4581,769 4581,769
TOTAL					1581,026	
TOTAL					4395,000	
ESTIMATED SOURCE OF FUNDS FOR PARKS FRANCONIA - SUNAPEE GENERAL FUNDS					4395,090 4395,090	
TOTAL						
03 RESOURCE PROTECT'N & DEVELOP'T 03 RESOURCES & ECONOMIC DEVELOP'T 04 PARKS AND RECREATION 03 SERVICE PARKS						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				278,981	292,537	
INSERT IN PLACE THEREOF				278,703	290,083	
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT				209,300	188,370	
20 CURRENT EXPENSES						
INSERT IN PLACE THEREOF				209,300	209,300	
20 CURRENT EXPENSES						
STRIKE OUT				154,639	164,744	
60 BENEFITS						
INSERT IN PLACE THEREOF				154,567	164,061	
60 BENEFITS						
TOTAL					1909,136	1883,982
ESTIMATED SOURCE OF FUNDS FOR SERVICE PARKS						
STRIKE OUT						
GENERAL FUND					1909,486	1866,189
INSERT IN PLACE THEREOF					1909,136	1883,982
GENERAL FUND					1909,136	1883,982
TOTAL						
03 RESOURCE PROTECT'N & DEVELOP'T 03 RESOURCES & ECONOMIC DEVELOP'T 04 PARKS AND RECREATION 08 MARINE SERVICES						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				34,970		

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

03 RESOURCE PROTECT'N & DEVELOP'T
03 RESOURCES & ECONOMIC DEVELOP'T
04 PARKS AND RECREATION
08 MARINE SERVICES

INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

34,970
10,666
10,666
12,023

91,065

91,691

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
MARINE SERVICES

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

43,598

91,065

31,691

8490,371

8065,214

7361,532

1128,839

8490,371

15004,022

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
PARKS AND RECREATION

GENERAL FUND

OTHER FUNDS

TOTAL

7115,748

949,466

8065,214

14451,252

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
RESOURCES & ECONOMIC DEVELOP'T

FEDERAL FUNDS

GENERAL FUNDS

OTHER FUNDS

TOTAL

136,096

13614,978

1252,948

15004,022

132,481

13259,176

1059,595

14451,252

03 RESOURCE PROTECT'N & DEVELOP'T
04 DEPT OF ENVIRONMENTAL SERVICES
01 OFFICE OF THE COMMISSIONER
01 ADMINISTRATION & SUPPORT

STRIKE OUT
24 MAINT. OTHER THAN BLDG&GRNDS 4,000

AMENDMENTS TO	PAGE	44	02/07/90		FISCAL YEAR 1990	FISCAL YEAR 1991
4B1500						
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
01 OFFICE OF THE COMMISSIONER						
01 ADMINISTRATION & SUPPORT						
INSERT IN PLACE THEREOF						
24 MAINT. OTHER THAN BLDG&GRNDS						
STRIKE OUT						
30 EQUIPMENT						
INSERT IN PLACE THEREOF						
30 EQUIPMENT						
STRIKE OUT						
80 OUT-OF-STATE TRAVEL						
INSERT IN PLACE THEREOF						
80 OUT-OF-STATE TRAVEL						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION & SUPPORT						
STRIKE OUT						
09 AGENCY INCOME						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
01 OFFICE OF THE COMMISSIONER						
02 LABORATORY COST CENTER						
STRIKE OUT						
22 RENTS & LEASES TO NON-STATE						
INSERT IN PLACE THEREOF						
22 RENTS & LEASES TO NON-STATE						
STRIKE OUT						
24 MAINT. OTHER THAN BLDG&GRNDS						
INSERT IN PLACE THEREOF						
24 MAINT. OTHER THAN BLDG&GRNDS						
TOTAL						

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

03 RESOURCE PROTECT'N & DEVELOP. T
04 DEPT OF ENVIRONMENTAL SERVICES
01 OFFICE OF THE COMMISSIONER
02 LABORATORY COST CENTER

ESTIMATED SOURCE OF FUNDS FOR

LABORATORY COST CENTER

STRIKE OUT			795,186	
01 OTHER AGENCY FUNDS		772,584		
INSERT IN PLACE THEREOF		772,584		792,186
01 OTHER AGENCY FUNDS				
STRIKE OUT		644,569		675,657
01 GENERAL FUND		644,569		683,658
INSERT IN PLACE THEREOF		1417,153		1475,844
GENERAL FUND				
TOTAL			2736,627	2938,192

TOTAL			98,275	101,781
ESTIMATED SOURCE OF FUNDS FOR			1865,768	2044,225
OFFICE OF THE COMMISSIONER			772,584	792,186
FEDERAL FUNDS			2736,627	2938,192
OTHER FUNDS				
TOTAL				

03 RESOURCE PROTECT'N & DEVELOP' T
04 DEPT OF ENVIRONMENTAL SERVICES
02 DIV OF WATER RESOURCES
01 WATER RESOURCES BUREAU
01 WATER RESOURCES BOARD

STRIKE OUT
24 MAINT. OTHER THAN BLDG&GRNDS
INSERT IN PLACE THEREOF
24 MAINT. OTHER THAN BLDG&GRNDS

ESTIMATED SOURCE OF FUNDS FOR

WATER RESOURCES BOARD

STRIKE OUT			3,500	
01 GENERAL FUND		728,219		784,542
INSERT IN PLACE THEREOF				
GENERAL FUND		698,473		751,296
INSERT IN PLACE THEREOF		698,473		754,796
GENERAL FUND				

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HB1500						
03 RESOURCE PROTECT N & DEVELOP T						
04 DEPT OF ENVIRONMENTAL SERVICES				(CONT)		
02 DIV OF WATER RESOURCES				(CONT)		
01 WATER RESOURCES BUREAU				(CONT)		
01 WATER RESOURCES BOARD				(CONT)		
TOTAL					728,219	784,542
TOTAL					848,003	913,521
ESTIMATED SOURCE OF FUNDS FOR						
WATER RESOURCES BUREAU						
GENERAL FUNDS					709,577	766,794
OTHER FUNDS					138,426	146,727
TOTAL					848,003	913,521
03 RESOURCE PROTECT N & DEVELOP T						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
02 MAINTENANCE BUREAU						
STRIKE OUT						
47 OWN FORCES MAINT-BLDG&GRNDS	G			33,500		26,800
INSERT IN PLACE THEREOF						
47 OWN FORCES MAINT-BLDG&GRNDS	G			33,500		33,500
STRIKE OUT						
48 CONTRACTUAL MAINT-BLDG&GRND	G			35,000		28,000
INSERT IN PLACE THEREOF						
48 CONTRACTUAL MAINT-BLDG&GRND	G			35,000		35,000
TOTAL					546,726	581,496
ESTIMATED SOURCE OF FUNDS FOR						
MAINTENANCE BUREAU						
STRIKE OUT						
09 AGENCY INCOME	I				546,726	567,796
INSERT IN PLACE THEREOF						
09 AGENCY INCOME	I				546,726	581,496
TOTAL					546,726	581,496
03 RESOURCE PROTECT N & DEVELOP T						
04 DEPT OF ENVIRONMENTAL SERVICES						
02 DIV OF WATER RESOURCES						
03 WETLAND BUREAU						
01 WETLANDS BOARD						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				121,242		121,306

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

03 RESOURCE PROTECT'N & DEVELOP'T (CONT.)			
04 DEPT OF ENVIRONMENTAL SERVICES (CONT.)			
02 DIV OF WATER RESOURCES (CONT.)			
03 WETLAND BUREAU (CONT.)			
01 WETLANDS BOARD			
INSERT IN PLACE THEREOF	130,339	140,221	
10 PERSONAL SERVICES - PERMANENT			
STRIKE OUT			
20 CURRENT EXPENSES	13,230	15,561	
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	25,561	25,561	
STRIKE OUT			
20 MAINT. OTHER THAN BLDG&GRNDS	2,200		
INSERT IN PLACE THEREOF			
20 MAINT. OTHER THAN BLDG&GRNDS	2,200	1	
STRIKE OUT			
60 BENEFITS	30,989	33,759	
INSERT IN PLACE THEREOF			
60 BENEFITS	33,315	39,024	
STRIKE OUT			
70 IN-STATE TRAVEL	4,000	5,000	
INSERT IN PLACE THEREOF			
70 IN-STATE TRAVEL	9,000	9,000	
TOTAL			219,885
ESTIMATED SOURCE OF FUNDS FOR	206,493		
WETLANDS BOARD			
STRIKE OUT			
GENERAL FUND	177,739		181,704
INSERT IN PLACE THEREOF			
GENERAL FUND	206,493		219,885
TOTAL			219,885
TOTAL			306,698
ESTIMATED SOURCE OF FUNDS FOR	286,831		
WETLAND BUREAU			
GENERAL FUNDS	206,493		219,885
OTHER FUNDS	80,338		86,813
TOTAL	286,831		306,698
03 RESOURCE PROTECT'N & DEVELOP'T			
04 DEPT OF ENVIRONMENTAL SERVICES			
02 DIV OF WATER RESOURCES			
04 WATER MANAGEMENT BUREAU			
STRIKE OUT			
24 MAINT. OTHER THAN BLDG&GRNDS	1,100		

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H81500							
03 RESOURCE PROTECT'N & DEVELOP'T							
04 DEPT OF ENVIRONMENTAL SERVICES							
02 DIV OF WATER RESOURCES							
04 WATER MANAGEMENT BUREAU							
				(CONT.)			
				(CONT.)			
				(CONT.)			
				(CONT.)			
INSERT IN PLACE THEREOF							
24 MAINT OTHER THAN BLDG&GRNDS			1,100				
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
WATER MANAGEMENT BUREAU					218,493	219,177	
STRIKE OUT							
GENERAL FUND					198,493	199,176	
INSERT IN PLACE THEREOF					198,493	199,177	
GENERAL FUND					218,493	219,177	
TOTAL							
TOTAL					1900,053		2020,892
ESTIMATED SOURCE OF FUNDS FOR							
DIV OF WATER RESOURCES							
GENERAL FUNDS					1114,563		1185,856
OTHER FUNDS					785,490		835,036
TOTAL					1900,053		2020,892
03 RESOURCE PROTECT'N & DEVELOP'T							
04 DEPT OF ENVIRONMENTAL SERVICES							
03 DIV OF WATER POLLUTION CONTROL							
01 WATER POLLUTION PROGRAMS							
01 POLLUTION CONTROL PROGRAM							
STRIKE OUT							
10 PERSONAL SERVICES - PERMANENT						785,411	
INSERT IN PLACE THEREOF							
10 PERSONAL SERVICES - PERMANENT						815,714	
STRIKE OUT							
24 MAINT OTHER THAN BLDG&GRNDS							
INSERT IN PLACE THEREOF						7,500	
STRIKE OUT							
24 MAINT OTHER THAN BLDG&GRNDS						236,375	
60 BENEFITS							
INSERT IN PLACE THEREOF						244,809	
60 BENEFITS							

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HB1500					
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 01 WATER POLLUTION PROGRAMS 02 SECTION 106 GRANT					(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 01 WATER POLLUTION PROGRAMS 03 COASTAL ZONE MANAGEMENT					
INSERT					
80 OUT-OF-STATE TRAVEL				750	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR				51,312	56,286
COASTAL ZONE MANAGEMENT					
STRIKE OUT					
09 AGENCY INCOME				51,312	55,536
INSERT IN PLACE THEREOF				51,312	56,286
09 AGENCY INCOME				51,312	56,286
TOTAL					
TOTAL				13019,578	14224,677
ESTIMATED SOURCE OF FUNDS FOR					
WATER POLLUTION PROGRAMS					
FEDERAL FUNDS				505,365	540,284
GENERAL FUNDS				12482,901	13628,107
OTHER FUNDS				51,312	56,286
TOTAL				13019,578	14224,677
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 03 DIV OF WATER POLLUTION CONTROL 02 REVOLVING FUND ADMINISTRATION					
STRIKE OUT					
30 EQUIPMENT				4,400	
INSERT IN PLACE THEREOF					4,400
30 EQUIPMENT					4,400

AMENDMENTS TO	PAGE	52	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500					
03 RESOURCE PROTECT'N & DEVELOP'T					
04 DEPT OF ENVIRONMENTAL SERVICES					
03 DIV OF WATER POLLUTION CONTROL					
04 WATER SUPPLY PROGRAMS					
02 OPERATOR CERTIFICATION					
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL				216	
TOTAL			34		
ESTIMATED SOURCE OF FUNDS FOR					
OPERATOR CERTIFICATION				4,759	5,116
STRIKE OUT					
09 AGENCY INCOME				4,759	4,900
INSERT IN PLACE THEREOF				4,759	5,116
09 AGENCY INCOME				4,759	5,116
TOTAL					
TOTAL				285,141	308,013
ESTIMATED SOURCE OF FUNDS FOR					
WATER SUPPLY PROGRAMS					
FEDERAL FUNDS				280,382	302,897
OTHER FUNDS				4,759	5,116
TOTAL				285,141	308,013
03 RESOURCE PROTECT'N & DEVELOP'T					
04 DEPT OF ENVIRONMENTAL SERVICES					
03 DIV OF WATER POLLUTION CONTROL					
05 WINNIPESAUKEE RIVER BASIN					
STRIKE OUT					
30 EQUIPMENT				50,500	
INSERT IN PLACE THEREOF					
30 EQUIPMENT				50,500	56,000
STRIKE OUT					
47 OWN FORCES MAINT-BLDG&GRNDS				10,000	8,800
INSERT IN PLACE THEREOF					
47 OWN FORCES MAINT-BLDG&GRNDS				10,000	11,000
STRIKE OUT					
48 CONTRACTUAL MAINT-BLDG&GRND				5,000	4,000
INSERT IN PLACE THEREOF					
48 CONTRACTUAL MAINT-BLDG&GRND				5,000	5,000

(CONT.)
(CONT.)
(CONT.)
(CONT.)

50,500
50,500
10,000
10,000
5,000
5,000

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HB1500						
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
06 GROUNDWATER PROGRAMS						
01 OIL POLLUTION CONTROL FUND						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
TOTAL				1397,341		1490,839
ESTIMATED SOURCE OF FUNDS FOR						
GROUNDWATER PROGRAMS						
FEDERAL FUNDS				943,411		995,491
GENERAL FUNDS				50,904		55,313
OTHER FUNDS				403,026		440,035
TOTAL				1397,341		1490,839
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
03 DIV OF WATER POLLUTION CONTROL						
07 SUBSURFACE WASTE DISPOSAL						
STRIKE OUT						
24 MAINT OTHER THAN BLDG&GRNDS				10,000		
INSERT IN PLACE THEREOF						
24 MAINT OTHER THAN BLDG&GRNDS				10,000		5,000
TOTAL				1312,450		1400,166
ESTIMATED SOURCE OF FUNDS FOR						
SUBSURFACE WASTE DISPOSAL						
STRIKE OUT						
GENERAL FUND				1312,450		1395,166
INSERT IN PLACE THEREOF						
GENERAL FUND				1312,450		1400,166
TOTAL				1312,450		1400,166
TOTAL				19563,028		21284,824
ESTIMATED SOURCE OF FUNDS FOR						
DIV OF WATER POLLUTION CONTROL						
FEDERAL FUNDS				3373,824		3602,101
GENERAL FUNDS				1266,635		15083,586
OTHER FUNDS				2362,949		2539,137
TOTAL				19563,028		21284,824
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
04 DIV OF AIR RESOURCES						
01 ADMINISTRATION & ENGINEERING						
STRIKE OUT						
24 MAINT OTHER THAN BLDG&GRNDS				13,500		

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HB1500						
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 04 DIV OF AIR RESOURCES 01 ADMINISTRATION & ENGINEERING				(CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF						
24 MAINT OTHER THAN BLDG&GRNDS				13,500	7,000	
STRIKE OUT						
80 OUT-OF-STATE TRAVEL				523		
INSERT IN PLACE THEREOF						
80 OUT-OF-STATE TRAVEL				523	2,500	
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR					287,961	294,638
ADMINISTRATION & ENGINEERING						
STRIKE OUT						
GENERAL FUND					287,961	285,138
INSERT IN PLACE THEREOF						
GENERAL FUND					287,961	294,638
TOTAL					287,961	294,638
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 04 DIV OF AIR RESOURCES 03 PERMIT FEE SYSTEM						
STRIKE OUT						
24 MAINT OTHER THAN BLDG&GRNDS				2,644		
INSERT IN PLACE THEREOF						
24 MAINT OTHER THAN BLDG&GRNDS				2,644	2,644	
STRIKE OUT						
30 EQUIPMENT				836		
INSERT IN PLACE THEREOF						
30 EQUIPMENT				836		
STRIKE OUT						
50 PERSONAL SERVICES - OTHER				6,139	5,000	
INSERT IN PLACE THEREOF						
50 PERSONAL SERVICES - OTHER				6,139	5,000	
STRIKE OUT						
60 BENEFITS				18,089	6,518	
INSERT IN PLACE THEREOF						
60 BENEFITS				18,089	21,180	
					21,296	

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HB1500						
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 04 DIV OF AIR RESOURCES 03 PERMIT FEE SYSTEM				(CONT.) (CONT.) (CONT.) (CONT.)		
INSERT						
80 OUT-OF-STATE TRAVEL					2,100	
TOTAL					115,216	130,185
ESTIMATED SOURCE OF FUNDS FOR PERMIT FEE SYSTEM						
STRIKE OUT						
06 AGENCY INCOME					115,216	118,807
INSERT IN PLACE THEREOF					115,216	130,185
06 AGENCY INCOME					115,216	130,185
TOTAL						
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 04 DIV OF AIR RESOURCES 06 AIR TOXIC CONTROL UNIT						
STRIKE OUT						
24 MAINT OTHER THAN BLDG&GRNDS					500	
INSERT IN PLACE THEREOF					500	
24 MAINT OTHER THAN BLDG&GRNDS						1
TOTAL					54,322	55,782
ESTIMATED SOURCE OF FUNDS FOR AIR TOXIC CONTROL UNIT						
STRIKE OUT						
GENERAL FUND					54,322	55,781
INSERT IN PLACE THEREOF					54,322	55,782
GENERAL FUND					54,322	55,782
TOTAL						
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 04 DIV OF AIR RESOURCES 07 AIR MONITORING						
STRIKE OUT						
20 CURRENT EXPENSES					5,150	3,718

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HB1500						
03 RESOURCE PROTECT'N & DEVELOP'T				(CONT.)		
04 DEPT OF ENVIRONMENTAL SERVICES				(CONT.)		
04 DIV OF AIR RESOURCES				(CONT.)		
07 AIR MONITORING						
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES				5,150	5,718	
STRIKE OUT						
49 TRANS TO OTHER STATE AGYS		D		20,000	20,000	
INSERT IN PLACE THEREOF						
19 TRANS TO OTHER STATE AGYS		D		20,000	17,000	
INSERT						
70 IN-STATE TRAVEL					1,000	
TOTAL				117,469	74,085	
TOTAL				1300,756		1329,623
ESTIMATED SOURCE OF FUNDS FOR						
DIV OF AIR RESOURCES						
FEDERAL FUNDS				668,728		713,328
GENERAL FUNDS				516,812		486,110
OTHER FUNDS				115,216		130,185
TOTAL				1300,756		1329,623
03 RESOURCE PROTECT'N & DEVELOP'T						
04 DEPT OF ENVIRONMENTAL SERVICES						
05 DIV OF WASTE MANAGEMENT						
02 NON-RCRA PROGRAMS						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				611,662	646,533	
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT				621,968	670,899	
STRIKE OUT						
24 MAINT. OTHER THAN BLDG&GRNDS				2,500		
INSERT IN PLACE THEREOF						
24 MAINT. OTHER THAN BLDG&GRNDS				2,500	2,500	
STRIKE OUT						
60 BENEFITS				179,307	201,665	
INSERT IN PLACE THEREOF						
60 BENEFITS				181,941	208,446	

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HB1500									
03 RESOURCE PROTECT'N & DEVELOP'T									
04 DEPT OF ENVIRONMENTAL SERVICES									
05 DIV OF WASTE MANAGEMENT				(CONT.)					
02 NON-RCRA PROGRAMS				(CONT.)					
				(CONT.)					
STRIKE OUT									
80 OUT-OF-STATE TRAVEL					3,759				
INSERT IN PLACE THEREOF									
80 OUT-OF-STATE TRAVEL					3,753			3,000	
STRIKE OUT									
86 CONTRACTS & AGREEMENTS					74,290			72,595	
INSERT IN PLACE THEREOF									
86 CONTRACTS & AGREEMENTS					74,290			67,095	
TOTAL						1338,257		1351,946	
ESTIMATED SOURCE OF FUNDS FOR									
NON-RCRA PROGRAMS									
STRIKE OUT									
GENERAL FUND						1196,068		1195,499	
INSERT IN PLACE THEREOF									
GENERAL FUND						1209,008		1226,646	
TOTAL						1338,257		1351,946	
03 RESOURCE PROTECT'N & DEVELOP'T									
04 DEPT OF ENVIRONMENTAL SERVICES									
05 DIV OF WASTE MANAGEMENT									
03 HAZARDOUS WASTE FUND									
STRIKE OUT									
49 TRANS TO OTHER STATE AGYS									
INSERT IN PLACE THEREOF					741,560			742,433	
49 TRANS TO OTHER STATE AGYS									
INSERT IN PLACE THEREOF					741,560			756,967	
TOTAL						968,756		1002,799	
ESTIMATED SOURCE OF FUNDS FOR									
HAZARDOUS WASTE FUND									
STRIKE OUT									
03 REVOLVING FUNDS									
INSERT IN PLACE THEREOF						968,756		968,265	
03 REVOLVING FUNDS						968,756		1002,799	
INSERT IN PLACE THEREOF						968,756		1002,799	
TOTAL						968,756		1002,799	

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HB1500							
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 05 DIV OF WASTE MANAGEMENT 03 HAZARDOUS WASTE FUND				(CONT.) (CONT.) (CONT.) (CONT.)			
03 RESOURCE PROTECT'N & DEVELOP'T 04 DEPT OF ENVIRONMENTAL SERVICES 05 DIV OF WASTE MANAGEMENT 05 HAZARDOUS WASTE PROGRAMS 01 HAZARDOUS WASTE INVESTIGATIVE							
STRIKE OUT					694		
24 MAINT. OTHER THAN BLDG&GRNDS							
INSERT IN PLACE THEREOF					699		639
24 MAINT. OTHER THAN BLDG&GRNDS							
STRIKE OUT					11,723		
50 PERSONAL SERVICES - OTHER							
INSERT IN PLACE THEREOF					11,723		11,458
50 PERSONAL SERVICES - OTHER							
STRIKE OUT					57,082		66,197
60 BENEFITS							
INSERT IN PLACE THEREOF					57,082		67,074
60 BENEFITS							
INSERT							1,500
80 OUT-OF-STATE TRAVEL							
TOTAL					540,487		537,594
ESTIMATED SOURCE OF FUNDS FOR							
HAZARDOUS WASTE INVESTIGATIVE							
STRIKE OUT							
01 OTHER AGENCY FUNDS					540,487		523,060
INSERT IN PLACE THEREOF					540,487		537,594
01 OTHER AGENCY FUNDS					540,487		537,594
TOTAL					20320,157		30406,271
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
HAZARDOUS WASTE PROGRAMS					19504,248		29593,255
FEDERAL FUNDS					815,909		813,016
OTHER FUNDS					20320,157		30406,271
TOTAL							

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03 RESOURCE PROTECTION & DEVELOPMENT
04 DEPT OF ENVIRONMENTAL SERVICES
05 DIV OF WASTE MANAGEMENT
05 HAZARDOUS WASTE PROGRAMS

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIV OF WASTE MANAGEMENT
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

23184,539
19880,306
1376,769
1390,319
1941,115
33316,955
33316,955

03 RESOURCE PROTECTION & DEVELOPMENT
04 DEPT OF ENVIRONMENTAL SERVICES
06 ADMIN. ATTACHED BOARDS
02 OIL FUND DISBURSEMENT BOARD

STRIKE OUT
24 MAINT. OTHER THAN BLDG&GRNDS
INSERT IN PLACE THEREOF
24 MAINT. OTHER THAN BLDG&GRNDS
INSERT
80 OUT-OF-STATE TRAVEL
STRIKE OUT
91 TRAINING
INSERT IN PLACE THEREOF
91 TRAINING

2,000
2,000
3,000
3,000

2,000
4,000
3,000

331,885

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OIL FUND DISBURSEMENT BOARD
STRIKE OUT
05 AGENCY INCOME
INSERT IN PLACE THEREOF
05 AGENCY INCOME
TOTAL

289,157
289,157
289,157
289,157
512,512

561,135

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ADMIN. ATTACHED BOARDS

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03 RESOURCE PROTECT'N & DEVELOP'T
04 DEPT OF ENVIRONMENTAL SERVICES
06 ADMIN. ATTACHED BOARDS

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1991 -----

----- FISCAL YEAR 1990 -----

GENERAL FUNDS			
OTHER FUNDS			
TOTAL	223,355	229,250	
	289,157	531,885	
	512,512	561,135	
TOTAL	49197,515	61451,621	
ESTIMATED SOURCE OF FUNDS FOR			
DEPT OF ENVIRONMENTAL SERVICES			
FEDERAL FUNDS	24021,133	34416,281	
GENERAL FUNDS	18937,072	20405,796	
OTHER FUNDS	6239,310	6629,544	
TOTAL	49197,515	61451,621	
TOTAL	72930,384	86253,754	
ESTIMATED SOURCE OF FUNDS FOR			
RESOURCE PROTECT'N & DEVELOP'T			
FEDERAL FUNDS	35542,881	35986,203	
GENERAL FUNDS	32196,248	34020,774	
FISH AND GAME	5972,519	6398,930	
OTHER FUNDS	9218,936	9847,817	
TOTAL	72930,384	86253,754	
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
01 ADMINISTRATION DIVISION			
01 EXECUTIVE OFFICE			
STRIKE OUT			40,000
56 CONSULTANTS	40,000		
INSERT IN PLACE THEREOF	40,000		10,000
56 CONSULTANTS			
STRIKE OUT			400,000
56 PERSONAL SERVICES - OTHER	466,789		
INSERT IN PLACE THEREOF	466,789		375,000
50 PERSONAL SERVICES - OTHER			
STRIKE OUT			290,944
60 BENEFITS	262,774		

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04 TRANSPORTATION 01 DEPARTMENT OF 01 ADMINISTRATION DIVISION 01 EXECUTIVE OFFICE					(CONT.) (CONT.) (CONT.) (CONT.)
INSERT IN PLACE THEREOF 60 BENEFITS			262,774	289,032	
TOTAL ESTIMATED SOURCE OF FUNDS FOR EXECUTIVE OFFICE			2055,355		2130,641
STRIKE OUT HIGHWAY FUND			2055,355		2187,553
INSERT IN PLACE THEREOF HIGHWAY FUND			2055,355		2130,641
TOTAL			2055,355		2130,641
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION 02 BUDGET & FINANCE BUREAU					
STRIKE OUT 22 RENTS & LEASES TO NON-STATE INSERT IN PLACE THEREOF			29,100	29,100	
22 RENTS & LEASES TO NON-STATE			29,100	9,100	
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUDGET & FINANCE BUREAU			1043,976		1097,890
STRIKE OUT HIGHWAY FUND			1043,976		1117,890
INSERT IN PLACE THEREOF HIGHWAY FUND			1043,976		1097,890
TOTAL			1043,976		1097,890
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 01 ADMINISTRATION DIVISION 04 HUMAN RESOURCES BUREAU					
STRIKE OUT 10 PERSONAL SERVICES - PERMANENT			362,227	374,617	

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
01 ADMINISTRATION DIVISION
04 HUMAN RESOURCES BUREAU

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

376,921
93,631
97,387
407,920
105,465
114,733

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
HUMAN RESOURCES BUREAU
STRIKE OUT
HIGHWAY FUND
INSERT IN PLACE THEREOF
HIGHWAY FUND
TOTAL

530,787
512,337
530,787
530,787
579,626
579,626

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
01 ADMINISTRATION DIVISION
05 DATA MANAGEMENT BUREAU

STRIKE OUT
24 MAINT. OTHER THAN BLDG&GRNDS
INSERT IN PLACE THEREOF
24 MAINT. OTHER THAN BLDG&GRNDS

194,000
194,000
194,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DATA MANAGEMENT BUREAU
STRIKE OUT
HIGHWAY FUND
INSERT IN PLACE THEREOF
HIGHWAY FUND
TOTAL

2694,766
2694,766
2694,766
2694,766
2833,614
2833,614
2833,614

8486,189

8927,985

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
01 ADMINISTRATION DIVISION

(CONT.)
(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
ADMINISTRATION DIVISION
HIGHWAY FUNDS
OTHER FUNDS
TOTAL

8431,189
55,000
8486,189

8972,985
55,000
8927,985

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
02 OPERATIONS DIVISION
01 HIGHWAY MAINTENANCE BUREAU

STRIKE OUT
20 CURRENT EXPENSES 14374,506
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES 14374,506
STRIKE OUT
24 MAINT. OTHER THAN BLDG&GRNDS 946,800
INSERT IN PLACE THEREOF
24 MAINT. OTHER THAN BLDG&GRNDS 946,800

13703,281
14468,281

47212,585

45825,829

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
HIGHWAY MAINTENANCE BUREAU

46447,584

45825,829

47212,585

45825,829

47212,585

TOTAL

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
02 OPERATIONS DIVISION
02 BRIDGE MAINTENANCE BUREAU
03 PISCATAQUA BRIDGE MAINTENANCE

STRIKE OUT
24 MAINT. OTHER THAN BLDG&GRNDS 4,947

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
02 OPERATIONS DIVISION			
02 BRIDGE MAINTENANCE BUREAU			
03 PISCATAQUA BRIDGE MAINTENANCE			
	(CONT.)		
	(CONT.)		
	(CONT.)		
	(CONT.)		
INSERT IN PLACE THEREOF	4,947	4,947	
24 MAINT OTHER THAN BLDG&GRNDS			
TOTAL	178,348	191,596	
ESTIMATED SOURCE OF FUNDS FOR			
PISCATAQUA BRIDGE MAINTENANCE			
STRIKE OUT			
HIGHWAY FUND	162,993	170,654	
INSERT IN PLACE THEREOF	162,993	175,601	
HIGHWAY FUND	178,348	191,596	
TOTAL			
04 TRANSPORTATION			
01 DEPARTMENT OF TRANSPORTATION			
02 OPERATIONS DIVISION			
02 BRIDGE MAINTENANCE BUREAU			
04 INTERSTATE BRIDGE AUTHORITY			
STRIKE OUT			
24 MAINT OTHER THAN BLDG&GRNDS	3,880		
INSERT IN PLACE THEREOF	3,880	3,880	
24 MAINT OTHER THAN BLDG&GRNDS			
TOTAL	588,740	626,214	
ESTIMATED SOURCE OF FUNDS FOR			
INTERSTATE BRIDGE AUTHORITY			
STRIKE OUT			
HIGHWAY FUND	358,740	392,334	
INSERT IN PLACE THEREOF	358,740	396,214	
HIGHWAY FUND	588,740	626,214	
TOTAL	5313,189	5634,283	
TOTAL			
ESTIMATED SOURCE OF FUNDS FOR			
BRIDGE MAINTENANCE BUREAU	4354,663	4664,006	
HIGHWAY FUNDS	958,526	970,277	
OTHER FUNDS			

AMENDMENTS TO	PAGE	66	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
02 BRIDGE MAINTENANCE BUREAU					
TOTAL			5313,189		5634,283
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
05 OTHER OPERATIONS					
01 LAND & BUILDINGS					
STRIKE OUT					
92 LAND ACQUISITION & CONSTRUCT			97,000		
INSERT IN PLACE THEREOF			97,000		
92 LAND ACQUISITION & CONSTRUCT				1	
TOTAL			370,498		279,957
ESTIMATED SOURCE OF FUNDS FOR					
LAND & BUILDINGS					
STRIKE OUT					
HIGHWAY FUND			370,498		279,956
INSERT IN PLACE THEREOF			370,498		279,957
HIGHWAY FUND			370,498		279,957
TOTAL					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
05 OTHER OPERATIONS					
03 LITTER PICKUP					
STRIKE OUT					
20 CURRENT EXPENSES			209,258		209,258
INSERT IN PLACE THEREOF			209,258		184,258
20 CURRENT EXPENSES					
STRIKE OUT					
50 PERSONAL SERVICES - OTHER			173,428		184,158
INSERT IN PLACE THEREOF			173,428		159,158
50 PERSONAL SERVICES - OTHER					
STRIKE OUT					
60 BENEFITS			13,267		14,088

(CONT.)
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(CONT.)

AMENDMENTS TO	PAGE	67- 02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
H61500					
O4 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
02 OPERATIONS DIVISION					
05 OTHER OPERATIONS					
03 LITTER PICKUP					
INSERT IN PLACE THEREOF					
60 BENEFITS		13,267		12,176	
TOTAL			395,953		355,592
ESTIMATED SOURCE OF FUNDS FOR					
LITTER PICKUP					
STRIKE OUT					
HIGHWAY FUND			395,953		407,504
INSERT IN PLACE THEREOF			395,953		355,592
HIGHWAY FUND			395,953		355,592
TOTAL			1167,638		1050,895
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
OTHER OPERATIONS			985,951		855,049
HIGHWAY FUNDS			181,687		195,846
OTHER FUNDS			1167,638		1050,895
TOTAL					
TOTAL				64456,862	66262,695
ESTIMATED SOURCE OF FUNDS FOR					
OPERATIONS DIVISION					
HIGHWAY FUNDS			57698,366		59053,948
OTHER FUNDS			6758,496		7208,747
TOTAL			64456,862		66262,695
O4 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
03 PROJECT DEVELOPMENT DIVISION					
01 DESIGN BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				4406,568	
INSERT IN PLACE THEREOF		4110,074			
10 PERSONAL SERVICES - PERMANENT		4096,774			4378,916
STRIKE OUT					
18 PERMANENT EMPLOYEE OVERTIME		309,993			329,179

AMENDMENTS TO	PAGE	68	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500					
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 01 DESIGN BUREAU			(CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF					
18 PERMANENT EMPLOYEE OVERTIME		309,999		254,179	
STRIKE OUT					
24 MAINT OTHER THAN BLOC&GRNDS		5,044			
INSERT IN PLACE THEREOF				5,044	
24 MAINT. OTHER THAN BLOC&GRNDS		5,044			
STRIKE OUT					
60 BENEFITS		1131,079		1319,471	
INSERT IN PLACE THEREOF					
60 BENEFITS		1127,679		1290,902	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR		5627,562			6012,824
DESIGN BUREAU					
STRIKE OUT					
HIGHWAY FUND		5644,262			6139,001
INSERT IN PLACE THEREOF					
HIGHWAY FUND		5627,562			6012,824
TOTAL		5627,562			6012,824
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 03 PROJECT DEVELOPMENT DIVISION 02 RIGHT-OF-WAY BUREAU					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT		938,993		988,072	
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT		950,674		1016,825	
STRIKE OUT					
20 CURRENT EXPENSES		70,000		63,000	
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		70,000		70,000	
STRIKE OUT					
60 BENEFITS		248,375		284,655	
INSERT IN PLACE THEREOF					
60 BENEFITS		251,360		292,657	

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
02 RIGHT-OF-WAY BUREAU

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL	1320,201	1429,674
ESTIMATED SOURCE OF FUNDS FOR		
RIGHT-OF-WAY BUREAU		
STRIKE OUT		
HIGHWAY FUND	1305,535	1385,919
INSERT IN PLACE THEREOF	1320,201	1429,674
HIGHWAY FUND	1320,201	1429,674
TOTAL		

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
04 ENVIRONMENTAL BUREAU
01 ADMINISTRATION

STRIKE OUT		
10 PERSONAL SERVICES - PERMANENT	654,359	700,428
INSERT IN PLACE THEREOF		
10 PERSONAL SERVICES - PERMANENT	641,355	673,389
STRIKE OUT		
60 BENEFITS	174,314	203,999
INSERT IN PLACE THEREOF	170,990	196,474
60 BENEFITS		

TOTAL	884,275	945,916
-------	---------	---------

ESTIMATED SOURCE OF FUNDS FOR

ADMINISTRATION

STRIKE OUT		
HIGHWAY FUND	900,503	981,480
INSERT IN PLACE THEREOF	884,275	945,916
HIGHWAY FUND	884,275	945,916
TOTAL		
TOTAL	894,275	956,916

ESTIMATED SOURCE OF FUNDS FOR
ENVIRONMENTAL BUREAU

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04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
04 ENVIRONMENTAL BUREAU						
(CONT.)						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
06 MATERIALS & RESEARCH BUREAU						
(CONT.)						
HIGHWAY FUNDS						
TOTAL					894,275	956,916
					894,275	956,916
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
06 MATERIALS & RESEARCH BUREAU						
STRIKE OUT						
24 MAINT. OTHER THAN BLDG&GRNDS				14,600		
INSERT IN PLACE THEREOF				14,600		
24 MAINT. OTHER THAN BLDG&GRNDS						
TOTAL					1813,637	1925,683
ESTIMATED SOURCE OF FUNDS FOR						
MATERIALS & RESEARCH BUREAU						
STRIKE OUT						
HIGHWAY FUND				1813,637		1925,682
INSERT IN PLACE THEREOF				1813,637		1925,683
HIGHWAY FUND				1813,637		1925,683
TOTAL						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
03 PROJECT DEVELOPMENT DIVISION						
07 CONSTRUCTION BUREAU						
STRIKE OUT						
18 PERMANENT EMPLOYEE OVERTIME				434,818		461,720
INSERT IN PLACE THEREOF				434,818		411,720
18 PERMANENT EMPLOYEE OVERTIME						
STRIKE OUT						
60 BENEFITS				862,572		1002,273
INSERT IN PLACE THEREOF				862,572		988,358
60 BENEFITS						

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04 TRANSPORTATION
01 DEPARTMENT OF
03 PROJECT DEVELOPMENT DIVISION
07 CONSTRUCTION BUREAU

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL	4395,489	4694,553
ESTIMATED SOURCE OF FUNDS FOR		
CONSTRUCTION BUREAU		
STRIKE OUT		
HIGHWAY FUND	4395,489	4758,468
INSERT IN PLACE THEREOF	4395,489	4694,553
HIGHWAY FUND	4395,489	4694,553
TOTAL		

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
08 ENGINEERING AUDIT BUREAU

STRIKE OUT		16,296
18 PERMANENT EMPLOYEE OVERTIME	15,347	
INSERT IN PLACE THEREOF	15,347	1,296
18 PERMANENT EMPLOYEE OVERTIME		
STRIKE OUT	90,983	105,611
60 BENEFITS		
INSERT IN PLACE THEREOF	90,983	101,437
60 BENEFITS		

470,364

451,781

TOTAL	451,781	
ESTIMATED SOURCE OF FUNDS FOR		
ENGINEERING AUDIT BUREAU		
STRIKE OUT		
HIGHWAY FUND	451,781	489,538
INSERT IN PLACE THEREOF	451,781	470,364
HIGHWAY FUND	451,781	470,364
TOTAL		

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
05 TRAILING FUNDS
01 INTERSTATE

STRIKE OUT		2,000
41 AUDIT FUND SET ASIDE	4,000	

D

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HB1500						
O4 TRANSPORTATION O1 DEPARTMENT OF TRANSPORTATION O3 PROJECT DEVELOPMENT DIVISION O9 MATCHING FUNDS O1 INTERSTATE	(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF	D		6,475			2,000
41 AUDIT FUND SET ASIDE						
STRIKE OUT			4387,466			1998,000
90 OTHER EXPENDITURES						
INSERT IN PLACE THEREOF			6859,991			1998,000
90 OTHER EXPENDITURES						
TOTAL ESTIMATED SOURCE OF FUNDS FOR INTERSTATE			6866,466			2000,000
STRIKE OUT						
FEDERAL FUNDS			4000,000			2000,000
INSERT IN PLACE THEREOF			6475,000			2000,000
FEDERAL FUNDS			6866,466			2000,000
TOTAL .						
O4 TRANSPORTATION O1 DEPARTMENT OF TRANSPORTATION O3 PROJECT DEVELOPMENT DIVISION O9 MATCHING FUNDS O2 PRIMARY						
STRIKE OUT	D		13,881			13,881
41 AUDIT FUND SET ASIDE						
INSERT IN PLACE THEREOF	D		11,406			13,881
41 AUDIT FUND SET ASIDE						
STRIKE OUT			16776,470			16643,399
90 OTHER EXPENDITURES						
INSERT IN PLACE THEREOF			13808,945			16643,399
90 OTHER EXPENDITURES						
TOTAL ESTIMATED SOURCE OF FUNDS FOR PRIMARY			13820,351			16557,280
STRIKE OUT						
FEDERAL FUNDS			13881,000			13881,000
INSERT IN PLACE THEREOF						
FEDERAL FUNDS			11406,000			13881,000

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
09 HATCHING FUNDS
02 PRIMARY

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT			
HIGHWAY FUND	2909,351		2776,280
INSERT IN PLACE THEREOF	2414,351		2776,280
HIGHWAY FUND	13820,351		16657,280
TOTAL			

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
09 HATCHING FUNDS
03 SECONDARY

STRIKE OUT			
41 AUDIT FUND SET ASIDE	2,925		2,925
INSERT IN PLACE THEREOF			
41 AUDIT FUND SET ASIDE	2,900		2,925
STRIKE OUT			
90 OTHER EXPENDITURES	3507,075		3507,075
INSERT IN PLACE THEREOF			
90 OTHER EXPENDITURES	3477,112		3507,075

TOTAL ESTIMATED SOURCE OF FUNDS FOR SECONDARY 3480,012 3510,000

STRIKE OUT			
FEDERAL FUNDS	2924,988		2924,988
INSERT IN PLACE THEREOF			
FEDERAL FUNDS	2900,000		2924,988
STRIKE OUT			
HIGHWAY FUND	585,012		585,012
INSERT IN PLACE THEREOF			
HIGHWAY FUND	580,012		585,012
TOTAL	3480,012		3510,000

TOTAL ESTIMATED SOURCE OF FUNDS FOR HATCHING FUNDS 62786,692 62496,883

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(CONT.)
(CONT.)
(CONT.)
(CONT.)

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
09 MATCHING FUNDS

FEDERAL FUNDS
HIGHWAY FUNDS
OTHER FUNDS

TOTAL

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
03 PROJECT DEVELOPMENT DIVISION
10 NON-MATCHING FUNDS
01 BETTERMENT

STRIKE OUT

90 BETTERMENTS
INSERT IN PLACE THEREOF
90 BETTERMENTS

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
NON-MATCHING FUNDS
HIGHWAY FUNDS

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
PROJECT DEVELOPMENT DIVISION
FEDERAL FUNDS
HIGHWAY FUNDS
OTHER FUNDS

TOTAL

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
05 AERONAUTICS DIVISION
02 AIRPORT DEVELOPMENT
01 FEDERAL STATE PROJECTS

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

55162,579
5079,268
2255,036
62496,883

55224,170
5313,619
2248,903
62786,692

4675,000

4675,000

4675,000

4975,000

4975,000

4975,000

102570,891

101365,959

55162,579
45153,276
2255,036
102570,891

55224,170
43892,886
2248,903
101365,959

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04. TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
05 AERONAUTICS DIVISION
02 AIRPORT DEVELOPMENT
01 FEDERAL STATE PROJECTS

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT AFTER SOURCE OF FUNDS

THE FUNDS IN THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE AND SHALL BE EXPENDED ONLY FOR PROJECTS WHEN THE FIVE PERCENT LOCAL AND NINETY PERCENT FEDERAL MATCHING REQUIREMENTS HAVE BEEN MET AND CERTIFIED TO THE GOVERNOR AND COUNCIL.

INSERT IN PLACE THEREOF

THE FUNDS IN THIS APPROPRIATION SHALL NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE, SHALL NOT LAPSE UNTIL JUNE 30, 1991 AND SHALL BE EXPENDED ONLY FOR PROJECTS WHEN THE FIVE PERCENT LOCAL AND NINETY PERCENT FEDERAL MATCHING REQUIREMENTS HAVE BEEN MET AND CERTIFIED TO THE GOVERNOR AND COUNCIL.

INSERT IN PLACE THEREOF

THE AERONAUTICS DIVISION SHALL REPORT QUARTERLY TO THE CAPITAL BUDGET OVERVIEW COMMITTEE THE STATUS OF ALL FEDERAL-LOCAL AIRPORT PROJECTS WITHIN THIS APPROPRIATION FOR FISCAL YEAR 1990. 50 PERCENT OF THE STATE MATCHING FUNDS SHALL BE ALLOCATED IN THE AMOUNT OF \$25,000 TO THE CITY OF RANCHEDER AND \$25,000 TO THE CITY OF LEBANON TO MATCH THEIR FIRST PRIORITY PROJECTS AND 50 PERCENT OF THE AMOUNT OF THE STATE MATCHING FUNDS SHALL BE ALLOCATED IN THE AMOUNT OF \$25,000 TO THE CITY OF NASHUA AND \$25,000 TO THE CITY OF KEENE TO MATCH THEIR FIRST PRIORITY PROJECTS. THE COMMISSIONER OF TRANSPORTATION, WITH PRIOR

AMENDMENTS TO	PAGE	76	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500					
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
05 AERONAUTICS DIVISION					
02 AIRPORT DEVELOPMENT					
01 FEDERAL STATE PROJECTS					
APPROVAL OF THE CAPITAL BUDGET OVERVIEW COMMITTEE AND GOVERNOR AND COUNCIL, MAY REDUCE THE ABOVE FIRST PRIORITY ALLOCATIONS TO PROVIDE AIRPORT DEVELOPMENT FUNDS FOR OTHER AIRPORTS THAT HAVE APPROVED FEDERAL GRANTS FOR PROJECTS					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
07 OTHER HIGHWAY SUPPORT					
04 TRANSFERS TO OTHER AGENCIES					
STRIKE OUT					
90 DEPARTMENT OF SAFETY		29949,348		32632,959	
INSERT IN PLACE THEREOF		29949,348		32702,032	
90 DEPARTMENT OF SAFETY			33326,093		36126,182
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR TRANSFERS TO OTHER AGENCIES					
STRIKE OUT					
HIGHWAY FUND			33326,093		36057,109
INSERT IN PLACE THEREOF			33326,093		36126,182
HIGHWAY FUND			33326,093		36126,182
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR OTHER HIGHWAY SUPPORT			35768,693		40084,845
HIGHWAY FUNDS					
TOTAL					
04 TRANSPORTATION					
01 DEPARTMENT OF TRANSPORTATION					
08 TURNPIKES			35768,693		40084,845
01 ADMINISTRATION & SUPPORT			35768,693		40084,845
STRIKE OUT					
80 OUT-OF-STATE TRAVEL			15,000		2,000

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
08 TURNPIKES
01 ADMINISTRATION & SUPPORT

(CONT.)
(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF	15,000	15,000	
80 OUT-OF-STATE TRAVEL			
TOTAL		24440,900	33389,833
ESTIMATED SOURCE OF FUNDS FOR			
ADMINISTRATION & SUPPORT			
STRIKE OUT			
TURNPIKES FUND		24440,900	33376,833
INSERT IN PLACE THEREOF		24440,900	33389,833
TURNPIKES FUND		24440,900	33389,833
TOTAL			

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
08 TURNPIKES
02 CENTRAL TURNPIKE
01 CENTRAL OPERATIONS

STRIKE OUT	1399,043	1604,202
10 PERSONAL SERVICES - PERMANENT		
INSERT IN PLACE THEREOF	1399,043	1580,580
10 PERSONAL SERVICES - PERMANENT		
STRIKE OUT	29,375	30,000
30 EQUIPMENT		
INSERT IN PLACE THEREOF	29,375	39,725
30 EQUIPMENT		
STRIKE OUT	230,198	240,882
50 PERSONAL SERVICES - OTHER		
INSERT IN PLACE THEREOF	230,198	261,694
50 PERSONAL SERVICES - OTHER		
STRIKE OUT	392,684	489,865
60 BENEFITS		
INSERT IN PLACE THEREOF	392,684	484,884
60 BENEFITS		
STRIKE OUT		

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H81500						
04 TRANSPORTATION				(CONT.)		
01 DEPARTMENT OF TRANSPORTATION				(CONT.)		
08 TURNPIKES				(CONT.)		
02 CENTRAL TURNPIKE				(CONT.)		
01 CENTRAL OPERATIONS				(CONT.)		
STRIKE OUT						
THE FOLLOWING POSITIONS BECOME AVAILABLE 4/1/91						
STRIKE OUT						
UPON CERTIFICATION FROM THE AGENCY THAT THE						
STRIKE OUT						
NASHUA CIRCUMFERENTIAL TOLL WILL BE OPERATIONAL						
STRIKE OUT						
BY 8/30/91; 00680,00681,00682,00683,00684,						
STRIKE OUT						
00685,00686,00687,00688,00689,00690,00691,						
STRIKE OUT						
00692,00693,00694,00695,00696,00697.						
STRIKE OUT						
INSERT IN PLACE THEREOF						
* THE FOLLOWING POSITIONS BECOME AVAILABLE 8/1/90						
UPON CERTIFICATION FROM THE AGENCY THAT THE						
BEDFORD ROAD TOLL WILL BE OPERATIONAL BY						
10/1/90; 00680,00681,00682,00683,00684,00685,						
00686,00687,00688,00689,00690,00691,						
00697.						
TOTAL					2653,278	3313,660
ESTIMATED SOURCE OF FUNDS FOR						
CENTRAL OPERATIONS						
STRIKE OUT					2653,278	3311,726
TURNPIKES FUND						
INSERT IN PLACE THEREOF					2653,278	3313,660
TURNPIKES FUND						

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

(CONT.)			
(CONT.)			
(CONT.)			
(CONT.)			
TOTAL			3313,660
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O8 TURNPIKES			
O2 CENTRAL TURNPIKE			
O1 CENTRAL OPERATIONS			
TOTAL			2653,278
O4 TRANSPORTATION			
O1 DEPARTMENT OF TRANSPORTATION			
O8 TURNPIKES			
O2 CENTRAL TURNPIKE			
O2 CENTRAL MAINTENANCE			
STRIKE OUT			778,173
10 PERSONAL SERVICES - PERMANENT *	650,324		
INSERT IN PLACE THEREOF			
10 PERSONAL SERVICES - PERMANENT	650,324		708,675
STRIKE OUT			
19 HOLIDAY PAY	19,564		32,893
INSERT IN PLACE THEREOF			
19 HOLIDAY PAY	19,564		26,043
STRIKE OUT			
24 MAINT. OTHER THAN BLDG&GRNDS	10,000		15,000
INSERT IN PLACE THEREOF			
24 MAINT. OTHER THAN BLDG&GRNDS	10,000		151,225
STRIKE OUT			
30 EQUIPMENT	237,395		210,900
INSERT IN PLACE THEREOF			
30 EQUIPMENT	237,395		
STRIKE OUT			
50 PERSONAL SERVICES - OTHER	35,113		42,717
INSERT IN PLACE THEREOF			
50 PERSONAL SERVICES - OTHER	35,113		255,955
STRIKE OUT			
60 BENEFITS	200,060		237,975
INSERT IN PLACE THEREOF			
60 BENEFITS	200,060		
STRIKE OUT			
*			

STRIKE OUT
THE FOLLOWING POSITIONS BECOME AVAILABLE 4/1/91

AMENDMENTS TO	PAGE	80	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
<div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div>					
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 08 TURNPIKES 02 CENTRAL TURNPIKE 02 CENTRAL MAINTENANCE					
STRIKE OUT UPON CERTIFICATION FROM THE AGENCY THAT THE					
STRIKE OUT NASHUA CIRCUMFERENTIAL TOLL WILL BE OPERATIONAL					
STRIKE OUT BY 8/30/91; 00698,00699,00700,00701,00702,					
STRIKE OUT 00703,00704,00705,00706,00707,00708,00709,					
STRIKE OUT 00710,00711.					
TOTAL ESTIMATED SOURCE OF FUNDS FOR CENTRAL MAINTENANCE					
STRIKE OUT TURNPIKES FUND INSERT IN PLACE THEREOF TURNPIKES FUND					
TOTAL TOTAL ESTIMATED SOURCE OF FUNDS FOR CENTRAL TURNPIKE TURNPIKES FUNDS					
TOTAL TOTAL ESTIMATED SOURCE OF FUNDS FOR CENTRAL TURNPIKE TURNPIKES FUNDS					
04 TRANSPORTATION 01 DEPARTMENT OF TRANSPORTATION 08 TURNPIKES 03 BLUE STAR MEMORIAL HIGHWAY 01 EAST NH TPK BLUE STAR OPERATIO					
STRIKE OUT 30 EQUIPMENT					
				18,775	15,000
				2754,797	3060,980
				2754,797	3037,916
				2754,797	3060,980
				2754,797	3060,980
				5408,075	6374,640
				5408,075	6374,640
				5408,075	6374,640

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(CONT.)		
(CONT.)		
(CONT.)		
(CONT.)		
(CONT.)		
04 TRANSPORTATION	1936,129	2044,282
01 DEPARTMENT OF TRANSPORTATION		
08 TURNPIKES		
03 BLUE STAR MEMORIAL HIGHWAY		
02 EAST NH TPK BLUE STAR MAINTENA		
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
EAST NH TPK BLUE STAR MAINTENA		
STRIKE OUT		
TURNPIKES FUND	1936,129	2006,440
INSERT IN PLACE THEREOF	1936,129	2044,282
TURNPIKES FUND	1936,129	2044,282
TOTAL	3537,268	3879,867
TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
BLUE STAR MEMORIAL HIGHWAY		
TURNPIKES FUNDS	3537,268	3879,867
TOTAL	3537,268	3879,867
04 TRANSPORTATION		
01 DEPARTMENT OF TRANSPORTATION		
08 TURNPIKES		
04 SPAULDING TURNPIKE		
01 EAST NH TPK SPAULD TPK OPERATI		
STRIKE OUT		
60 EQUIPMENT	15,485	8,434
INSERT IN PLACE THEREOF		
60 EQUIPMENT	15,485	11,245
STRIKE OUT		
60 PERSONAL SERVICES - OTHER	166,765	163,000
INSERT IN PLACE THEREOF		
60 PERSONAL SERVICES - OTHER	166,765	177,083
STRIKE OUT		
60 BENEFITS	143,864	166,571
INSERT IN PLACE THEREOF		
60 BENEFITS	143,864	167,648
TOTAL	1039,554	1155,349
ESTIMATED SOURCE OF FUNDS FOR		
EAST NH TPK SPAULD TPK OPERATI		

AMENDMENTS TO	PAGE	83	02/07/90			FISCAL YEAR 1990		FISCAL YEAR 1991
H81500								
04 TRANSPORTATION								
01 DEPARTMENT OF TRANSPORTATION				(CONT.)				
08 TURNPIKES				(CONT.)				
04 SPAULDING TURNPIKE				(CONT.)				
01 EAST NH TPK SPAULD TPK OPERATI				(CONT.)				
STRIKE OUT								
TURNPIKES FUND						1039,554		1137,378
INSERT IN PLACE THEREOF						1039,554		1155,349
TURNPIKES FUND						1039,554		1155,349
TOTAL								
04 TRANSPORTATION								
01 DEPARTMENT OF TRANSPORTATION								
08 TURNPIKES								
04 SPAULDING TURNPIKE								
02 EAST NH TPK SPAULD TPK MAINT								
STRIKE OUT								
30 EQUIPMENT					165,180		88,590	
INSERT IN PLACE THEREOF					165,180		118,120	
30 EQUIPMENT								
STRIKE OUT								
50 PERSONAL SERVICES - OTHER					15,449		15,100	
INSERT IN PLACE THEREOF								
50 PERSONAL SERVICES - OTHER					15,449		16,405	
STRIKE OUT								
60 BENEFITS					78,139		92,264	
INSERT IN PLACE THEREOF					78,139		92,364	
60 BENEFITS								
TOTAL						1649,202		1684,676
ESTIMATED SOURCE OF FUNDS, FOR								
EAST NH TPK SPAULD TPK MAINT								
STRIKE OUT								
TURNPIKES FUND						1649,202		1653,741
INSERT IN PLACE THEREOF						1649,202		1684,676
TURNPIKES FUND						1649,202		1684,676
TOTAL						2688,756		2840,025
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
SPAULDING TURNPIKE								

AMENDMENTS TO	PAGE	84	02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
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04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
08 TURNPIKES				(CONT.)		
04 SPAULDING TURNPIKE				(CONT.)	2840, 025	2840, 025
				(CONT.)	2840, 025	2840, 025
TOTAL						
04 TRANSPORTATION						
01 DEPARTMENT OF TRANSPORTATION						
08 TURNPIKES						
05 TURNPIKE EXPANSION						
STRIKE OUT						
30 EQUIPMENT				126, 100		94, 600
INSERT IN PLACE THEREOF				126, 100		126, 100
30 EQUIPMENT						
STRIKE OUT				1620, 829		1575, 233
50 PERSONAL SERVICES - OTHER						
INSERT IN PLACE THEREOF				1620, 829		1711, 333
50 PERSONAL SERVICES - OTHER						
STRIKE OUT				367, 173		378, 056
60 BENEFITS						
INSERT IN PLACE THEREOF				367, 173		388, 468
60 BENEFITS						
STRIKE OUT				15, 000		15, 000
80 OUT-OF-STATE TRAVEL						
INSERT IN PLACE THEREOF				15, 000		
80 OUT-OF-STATE TRAVEL						
TOTAL					3572, 602	4317, 401
ESTIMATED SOURCE OF FUNDS FOR						
TURNPIKE EXPANSION						
STRIKE OUT						
09 AGENCY INCOME					3572, 602	4124, 389
INSERT IN PLACE THEREOF					3572, 602	4317, 401
09 AGENCY INCOME					3572, 602	4317, 401
TOTAL						
TOTAL					39647, 601	50801, 766
ESTIMATED SOURCE OF FUNDS FOR						
TURNPIKES						

AMENDMENTS TO	PAGE	87	02/07/90		FISCAL YEAR 1990	FISCAL YEAR 1991
H81500						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)		
01 HLTH & HUMAN SVCS COMMISSIONER				(CONT.)		
01 ADMINISTRATION				(CONT.)		
STRIKE OUT						3,806
02 HIGHWAY FUNDS						2,538
INSERT IN PLACE THEREOF						
02 HIGHWAY FUNDS						40,882
STRIKE OUT						27,255
09 AGENCY INCOME						
INSERT IN PLACE THEREOF						
09 AGENCY INCOME						1083,748
STRIKE OUT						
GENERAL FUND					622,660	
INSERT IN PLACE THEREOF					622,660	939,186
GENERAL FUND					622,660	984,600
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
01 HLTH & HUMAN SVCS COMMISSIONER						
02 ALCOHOL AND DRUG ABUSE PREVENT						
02 TREATMENT & PREVENTION-STATE						
STRIKE OUT						
97 COMMUNITY PROGRAMS				1384,113	1589,248	
INSERT IN PLACE THEREOF				1384,113	1389,248	
97 COMMUNITY PROGRAMS						1768,053
TOTAL					1747,614	
ESTIMATED SOURCE OF FUNDS FOR						
TREATMENT & PREVENTION-STATE						
STRIKE OUT						1581,205
GENERAL FUND					1363,510	
INSERT IN PLACE THEREOF					1363,510	1381,205
GENERAL FUND					1747,614	1768,053
TOTAL					4123,250	4269,838
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ALCOHOL AND DRUG ABUSE PREVENT						

AMENDMENTS TO	PAGE	88	02/07/90	----- FISCAL YEAR 1990 -----		----- FISCAL YEAR 1991 -----	
HB1500							
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)			
01 HLTH & HUMAN SVCS COMMISSIONER				(CONT.)			
02 ALCOHOL AND DRUG ABUSE PREVENT				(CONT.)			
FEDERAL FUNDS					1190,779		1203,243
GENERAL FUNDS					1827,692		1894,013
OTHER FUNDS					4123,250		4269,638
TOTAL							
TOTAL					13997,431		14778,859
ESTIMATED SOURCE OF FUNDS FOR							
HLTH & HUMAN SVCS COMMISSIONER							
FEDERAL FUNDS					3847,534		4058,015
GENERAL FUNDS					9045,108		9518,469
OTHER FUNDS					1104,779		1202,375
TOTAL					13997,431		14778,859
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS							
02 DIV OF PUBLIC HEALTH SERVICES							
02 HEALTH PROTECTION							
03 EMERGENCY MEDICAL SERVICES							
STRIKE OUT							
10 PERSONAL SERVICES - PERMANENT					258,361		251,844
INSERT IN PLACE THEREOF							
10 PERSONAL SERVICES - PERMANENT					258,361		298,390
STRIKE OUT							
60 BENEFITS					70,961		75,324
INSERT IN PLACE THEREOF							
60 BENEFITS					70,961		88,278
TOTAL					750,013		814,278
ESTIMATED SOURCE OF FUNDS FOR							
EMERGENCY MEDICAL SERVICES							
STRIKE OUT							
GENERAL FUND					72,583		80,570
INSERT IN PLACE THEREOF							
GENERAL FUND					72,583		140,070
TOTAL					750,013		814,278
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS							
02 DIV OF PUBLIC HEALTH SERVICES							
02 HEALTH PROTECTION							
04 HEALTH PROMOTION							
STRIKE OUT							
92 CANCER PRVNTN/HEALTH PROMO							
TOTAL					108,237		105,805

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HB1500							
05 HEALTH AND SOCIAL SERVICES				(CONT.)			
01 DEPT OF HEALTH AND HUMAN SVCS				(CONT.)			
02 DIV OF PUBLIC HEALTH SERVICES				(CONT.)			
03 HEALTH PROTECTION				(CONT.)			
04 HEALTH PROMOTION				(CONT.)			
INSERT IN PLACE THEREOF					133,237	130,805	
92 CANCER PRVNTN/HEALTH PROMO							
TOTAL					573,445	578,679	
ESTIMATED SOURCE OF FUNDS FOR							
HEALTH PROMOTION							
STRIKE OUT							
GENERAL FUND					126,893	112,936	
INSERT IN PLACE THEREOF					151,893	137,936	
GENERAL FUND					573,445	578,679	
TOTAL					2823,803	3008,711	
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
HEALTH PROTECTION							
FEDERAL FUNDS					1775,245	1806,717	
GENERAL FUNDS					652,437	779,744	
OTHER FUNDS					396,121	422,250	
TOTAL					2823,803	3008,711	
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS							
02 DIV OF PUBLIC HEALTH SERVICES							
03 DISEASE PREVENTION & CONTROL							
05 IMMUNIZATION PROGRAM							
STRIKE OUT							
90 VACCINES					475,856	499,346	
INSERT IN PLACE THEREOF					449,856	441,346	
90 VACCINES							
TOTAL					603,385	589,668	
ESTIMATED SOURCE OF FUNDS FOR							
IMMUNIZATION PROGRAM							
STRIKE OUT							
GENERAL FUND					537,001	550,882	
INSERT IN PLACE THEREOF					511,001	492,882	
GENERAL FUND							

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05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
03 DISEASE PREVENTION & CONTROL						
05 IMMUNIZATION PROGRAM						
TOTAL					603,385	589,668
TOTAL					4889,009	5023,073
ESTIMATED SOURCE OF FUNDS FOR						
DISEASE PREVENTION & CONTROL						
FEDERAL FUNDS						
GENERAL FUNDS					1011,026	1045,509
OTHER FUNDS					2658,756	2723,841
TOTAL					1219,227	1253,723
					4889,009	5023,073
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
04 FAMILY AND COMMUNITY HEALTH						
02 MATERNAL AND CHILD HEALTH						
STRIKE OUT						
93 INJURY PREVENTION PROGRAM				52,534		
INSERT IN PLACE THEREOF				52,534	65,000	
93 INJURY PREVENTION PROGRAM						
TOTAL					2036,969	2235,035
ESTIMATED SOURCE OF FUNDS FOR						
MATERNAL AND CHILD HEALTH						
STRIKE OUT						
GENERAL FUND					1211,927	1187,451
INSERT IN PLACE THEREOF					1211,927	1252,451
GENERAL FUND					2036,969	2235,035
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
02 DIV OF PUBLIC HEALTH SERVICES						
04 FAMILY AND COMMUNITY HEALTH						
03 SPECIAL MEDICAL SERVICES						
STRIKE OUT						
94 MEDICAL/DRUGS				150,000		50,000
F						

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05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 02 DIV OF PUBLIC HEALTH SERVICES 04 FAMILY AND COMMUNITY HEALTH 03 SPECIAL MEDICAL SERVICES					
			(CONT.)		
			(CONT.)		
			(CONT.)		
			(CONT.)		
INSERT IN PLACE THEREOF			150,000		
94 MEDICAL/DRUGS				2459, 127	2441, 539
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
SPECIAL MEDICAL SERVICES					
STRIKE OUT					
GENERAL FUND				1682, 600	1678, 498
INSERT IN PLACE THEREOF				1682, 600	1628, 498
GENERAL FUND				2459, 127	2441, 539
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
01 DEPT OF HEALTH AND HUMAN SVCS					
02 DIV OF PUBLIC HEALTH SERVICES					
04 FAMILY AND COMMUNITY HEALTH					
04 DENTAL HEALTH					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				211, 928	
INSERT IN PLACE THEREOF				211, 928	117, 711
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT				26, 678	
20 CURRENT EXPENSES				26, 678	11, 552
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES				1, 986	
STRIKE OUT				1, 986	1, 000
24 MAINT. OTHER THAN BLDG&GRNDS					
INSERT IN PLACE THEREOF				10, 862	
24 MAINT. OTHER THAN BLDG&GRNDS				10, 862	5, 483
STRIKE OUT					
28 TRANSFERS TO GEN'L SERVICES				54, 169	
INSERT IN PLACE THEREOF				54, 169	32, 759
28 TRANSFERS TO GEN'L SERVICES					
STRIKE OUT					
60 BENEFITS					
INSERT IN PLACE THEREOF					
60 BENEFITS					

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05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 02 DIV OF PUBLIC HEALTH SERVICES 04 FAMILY AND COMMUNITY HEALTH 04 DENTAL HEALTH					(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)
STRIKE OUT					
70 IN-STATE TRAVEL			10,027		
INSERT IN PLACE THEREOF				5,000	
70 IN-STATE TRAVEL			10,027		
STRIKE OUT					
96 PATIENT CARE			12,754		
INSERT IN PLACE THEREOF				16,495	
96 PATIENT CARE			12,754		
TOTAL			337,034		190,000
ESTIMATED SOURCE OF FUNDS FOR DENTAL HEALTH					
STRIKE OUT					
GENERAL FUND			226,512		
INSERT IN PLACE THEREOF					190,000
GENERAL FUND			226,512		190,000
TOTAL			337,034		13806,833
TOTAL			13726,025		
ESTIMATED SOURCE OF FUNDS FOR FAMILY AND COMMUNITY HEALTH FEDERAL FUNDS GENERAL FUNDS					9951,779 3855,054 13806,833
TOTAL			9993,048 3732,977 13726,025		
TOTAL			23803,239		24367,182
ESTIMATED SOURCE OF FUNDS FOR DIV OF PUBLIC HEALTH SERVICES FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS					12946,550 9259,259 8824,646 2161,373 24367,182
TOTAL			12910,284 8824,646 208,309 23803,239		
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 03 DIV FOR CHILDREN & YOUTH SVCS 02 BUREAU OF CHILDREN 07 DCYS - SETTLEMENT					
STRIKE OUT					
90 DCYS SETTLEMENT			22500,000	20950,000	

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05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 03 DIV FOR CHILDREN & YOUTH SVCS 02 BUREAU OF CHILDREN 07 DCYS - SETTLEMENT INSERT IN PLACE THEREOF 90 DCYS SETTLEMENT				20826,333	20826,333
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
TOTAL ESTIMATED SOURCE OF FUNDS FOR DCYS - SETTLEMENT			22297,575	22297,575	20826,333
STRIKE OUT 05 COUNTY FUNDS INSERT IN PLACE THEREOF 05 COUNTY FUNDS STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL	I I		5625,000 5574,394 16875,000 16723,181 22297,575 37702,313	5625,000 5206,583 15712,500 15619,750 20826,333 36815,611	5237,500 5206,583 15712,500 15619,750 20826,333 36815,611
TOTAL ESTIMATED SOURCE OF FUNDS FOR BUREAU OF CHILDREN FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL			7023,101 24935,234 6143,978 37702,313	7023,101 24935,234 6143,978 37702,313	6942,805 24115,764 5757,042 36815,611
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 03 DIV FOR CHILDREN & YOUTH SVCS 05 BUREAU OF RESIDENTIAL SERVICES 02 CUSTODIAL CARE STRIKE OUT 21 FOOD INSTITUTIONS INSERT IN PLACE THEREOF 21 FOOD INSTITUTIONS TOTAL ESTIMATED SOURCE OF FUNDS FOR CUSTODIAL CARE	D D		180,391 180,391 432,044	182,873 167,873	420,752

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05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
03 DIV FOR CHILDREN & YOUTH SVCS						
05 BUREAU OF RESIDENTIAL SERVICES						
02 CUSTODIAL CARE						
STRIKE OUT						
07 AGENCY INCOME	I				95,835	97,082
INSERT IN PLACE THEREOF						
07 AGENCY INCOME	I				95,835	89,132
STRIKE OUT						
GENERAL FUND					336,209	338,670
INSERT IN PLACE THEREOF					336,209	331,620
GENERAL FUND					432,044	420,752
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
03 DIV FOR CHILDREN & YOUTH SVCS						
05 BUREAU OF RESIDENTIAL SERVICES						
10 YOUTH SVCS AT CONCORD-ADMIN						
STRIKE OUT						
21 FOOD INSTITUTIONS	D			155,902		102,525
INSERT IN PLACE THEREOF						
21 FOOD INSTITUTIONS	D			155,902		85,264
TOTAL					1179,970	864,741
ESTIMATED SOURCE OF FUNDS FOR						
YOUTH SVCS AT CONCORD-ADMIN						
STRIKE OUT						
07 AGENCY INCOME	I				22,418	22,429
INSERT IN PLACE THEREOF						
07 AGENCY INCOME	I				22,418	20,188
STRIKE OUT						
GENERAL FUND					1157,552	859,553
INSERT IN PLACE THEREOF					1157,552	844,553
GENERAL FUND					1179,970	864,741
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
03 DIV FOR CHILDREN & YOUTH SVCS						
05 BUREAU OF RESIDENTIAL SERVICES						
12 ADC UNIT						
STRIKE OUT						
46 CONSULTANTS				6,967		7,000

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05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 03 DIV FOR CHILDREN & YOUTH SVCS 05 BUREAU OF RESIDENTIAL SERVICES 12 ADC UNIT 46 CONSULTANTS	(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)	6.967	3.500	
INSERT IN PLACE THEREOF				
TOTAL		935,946		909,542
ESTIMATED SOURCE OF FUNDS FOR				
ADC UNIT				
STRIKE OUT		438,836		390,792
GENERAL FUND		438,836		387,292
INSERT IN PLACE THEREOF		935,946		909,542
GENERAL FUND				
TOTAL		10686,943		9059,419
TOTAL				
ESTIMATED SOURCE OF FUNDS FOR				
BUREAU OF RESIDENTIAL SERVICES				
GENERAL FUNDS		7525,264		5692,409
OTHER FUNDS		3161,679		3367,010
TOTAL		10686,943		9059,419
TOTAL			50550,898	48176,054
ESTIMATED SOURCE OF FUNDS FOR				
DIV FOR CHILDREN & YOUTH SVCS				
FEDERAL FUNDS			7350,921	7270,473
GENERAL FUNDS			33741,227	31619,529
OTHER FUNDS			9458,750	9286,052
TOTAL			50550,898	48176,054
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 04 DIVISION OF HUMAN SERVICES 02 PROGRAM OPERATIONS 02 MEDICAL SERVICES				
ESTIMATED SOURCE OF FUNDS FOR				
MEDICAL SERVICES				
INSERT				
05 COUNTY BILLINGS		97,000		194,000

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05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
05 GRANTS
05 MEDICAL GRANTS

(CONT.)
(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
GRANTS
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

196616,793

94600,320
65513,354
36503,119
196616,793

225066,231

108855,115
75630,417
40580,699
225066,231

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF HUMAN SERVICES
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

217767,565

105900,946
74739,217
37127,402
217767,565

247506,342

120741,364
85424,922
41340,056
247506,342

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
01 ADMINISTRATION
06 PUBLIC EDUCATION

STRIKE OUT
46 CONSULTANTS
INSERT IN PLACE THEREOF
46 CONSULTANTS
STRIKE OUT
90 EDUCATIONAL EXPENDITURES
INSERT IN PLACE THEREOF
90 EDUCATIONAL EXPENDITURES

4,235
2,235
5,940
3,940

5,278
3,278
6,000
4,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
PUBLIC EDUCATION
STRIKE OUT
GENERAL FUND

100,853

104,853

107,988

111,988

AMENDMENTS TO	PAGE	98	02/07/90	----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500					
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 01 ADMINISTRATION 06 PUBLIC EDUCATION					
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF GENERAL FUND			100,853 100,853		107,988 107,988
TOTAL			102548,860		106095,027
TOTAL ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS TOTAL			30178,733 72172,238 197,889 102548,860		30241,245 75653,053 200,729 106095,027
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 02 GLENCLIFF HOME FOR THE ELDERLY 01 PROFESSIONAL CARE					
STRIKE OUT 93 IN-SERVICE TRAINING INSERT IN PLACE THEREOF 93 IN-SERVICE TRAINING			8,037 8,037	8,689 6,689	
TOTAL ESTIMATED SOURCE OF FUNDS FOR PROFESSIONAL CARE STRIKE OUT GENERAL FUND INSERT IN PLACE THEREOF GENERAL FUND TOTAL			2102,346 2102,346 2102,346 2102,346		2347,124 2349,124 2347,124 2347,124
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 02 GLENCLIFF HOME FOR THE ELDERLY 03 MAINTENANCE					
STRIKE OUT 47 OWN FORCES MAINT-BLDG&GRNDS		6	41,518		28,000

AMENDMENTS TO	PAGE	99- 02/07/90		----- FISCAL YEAR 1990 -----	----- FISCAL YEAR 1991 -----
HB1500					
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 02 GLENCLIFF HOME FOR THE ELDERLY 03 MAINTENANCE			(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)		
INSERT IN PLACE THEREOF					
47 OWN FORCES MAINT-BLDG&GRNDS	G		41,518		18,000
STRIKE OUT					
48 CONTRACTUAL MAINT-BLDG&GRND	G		53,837		15,000
INSERT IN PLACE THEREOF					
48 CONTRACTUAL MAINT-BLDG&GRND	G		53,837		10,000
TOTAL				711,237	676,390
ESTIMATED SOURCE OF FUNDS FOR MAINTENANCE					
STRIKE OUT					
GENERAL FUND				711,237	691,390
INSERT IN PLACE THEREOF					
GENERAL FUND				711,237	676,390
TOTAL				711,237	676,390
TOTAL				3852,424	4155,602
ESTIMATED SOURCE OF FUNDS FOR GLENCLIFF HOME FOR THE ELDERLY					
GENERAL FUNDS				3842,476	4145,654
OTHER FUNDS				9,948	9,948
TOTAL				3852,424	4155,602
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 03 LACONIA DEVELOPMENTAL SERVICES 01 ADMINISTRATION					
STRIKE OUT					
46 CONSULTANTS					
INSERT IN PLACE THEREOF					
46 CONSULTANTS			34,650		35,000
STRIKE OUT					
90 EDUCATIONAL ASSISTANCE			9,900		30,000
INSERT IN PLACE THEREOF					
90 EDUCATIONAL ASSISTANCE			9,900		10,000
					5,000

AMENDMENTS TO PAGE 101 02/07/90
HB1500

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

(CONT.)
(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
03 LACONIA DEVELOPMENTAL SERVICES
02 FINANCIAL HIGHT/SUPPORT SERV

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
03 LACONIA DEVELOPMENTAL SERVICES
04 HABILITATIVE SERVICES

STRIKE OUT
CONSULTANTS 3,960
INSERT IN PLACE THEREOF
46 CONSULTANTS 2,960

1449,737 1538,554

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
HABILITATIVE SERVICES

STRIKE OUT
GENERAL FUND 1450,737 1539,554
INSERT IN PLACE THEREOF 1449,737 1538,554
TOTAL 1449,737 1538,554

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
03 LACONIA DEVELOPMENTAL SERVICES
05 SUPPORT SERVICES

STRIKE OUT
46 CONSULTANTS 1,980
INSERT IN PLACE THEREOF
46 CONSULTANTS 1,480

1270,364 1343,937

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SUPPORT SERVICES
STRIKE OUT
GENERAL FUND 1270,864 1344,437

AMENDMENTS TO	PAGE	102	02/07/90		FISCAL YEAR 1990	FISCAL YEAR 1991
HB1500						
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 03 LACONIA DEVELOPMENTAL SERVICES 05 SUPPORT SERVICES			(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)			
INSERT IN PLACE THEREOF GENERAL FUND				1270,364 1270,364		1343,937 1343,937
TOTAL						
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 03 LACONIA DEVELOPMENTAL SERVICES 07 COMMUNITY SUPPORT						
STRIKE OUT 46 CONSULTANTS				4,950	5,000	
INSERT IN PLACE THEREOF 46 CONSULTANTS				4,950	4,000	
TOTAL				681,576		731,498
ESTIMATED SOURCE OF FUNDS FOR COMMUNITY SUPPORT						
STRIKE OUT						
GENERAL FUND				681,576		732,498
INSERT IN PLACE THEREOF				681,576		731,498
GENERAL FUND				681,576		731,498
TOTAL						
TOTAL				13095,995		13893,216
ESTIMATED SOURCE OF FUNDS FOR LACONIA DEVELOPMENTAL SERVICES						
GENERAL FUNDS				12958,628		13761,617
OTHER FUNDS				137,367		131,592
TOTAL				13095,995		13893,216
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 04 NEW HAMPSHIRE HOSPITAL 01 ADMINISTRATION						
STRIKE OUT 46 CONSULTANTS						25,000
TOTAL				24,755		

AMENDMENTS TO	PAGE	104	02/07/90		FISCAL YEAR 1990	FISCAL YEAR 1991
HB1500						
05 HEALTH AND SOCIAL SERVICES 01 DEPT OF HEALTH AND HUMAN SVCS 05 DIVISION OF MENTAL HEALTH 04 NEW HAMPSHIRE HOSPITAL			(CONT.) (CONT.) (CONT.) (CONT.)			
OTHER FUNDS			770,668			560,274
TOTAL			33237,468			37399,734
TOTAL ESTIMATED SOURCE OF FUNDS FOR DIVISION OF MENTAL HEALTH FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS			152734,747			161543,579
TOTAL			30497,404			30592,370
			121121,471			130048,659
			1115,872			902,550
TOTAL			152734,747			161543,579
TOTAL ESTIMATED SOURCE OF FUNDS FOR DEPT OF HEALTH AND HUMAN SVCS FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS			474685,726			512767,068
TOTAL			170542,486			185168,415
			252883,334			272221,453
			51259,906			55377,200
TOTAL			474685,726			512767,068
TOTAL ESTIMATED SOURCE OF FUNDS FOR HEALTH AND SOCIAL SERVICES FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS			477907,848			516210,422
TOTAL			171145,972			185771,901
			254477,196			274036,547
			52284,680			56401,974
TOTAL			477907,848			516210,422

AMENDMENTS TO
HB1500 PAGE 105 02/07/90
STATE SUMMARY

	FISCAL YEAR 1990	FISCAL YEAR 1991
TOTAL ESTIMATED SOURCE OF FUNDS FOR	1560061,893	1678153,281
FEDERAL FUNDS		
GENERAL FUNDS	355450,576	383601,035
HIGHWAY FUNDS	628573,925	678144,042
FISH AND GAME	156780,024	162650,468
OTHER FUNDS	5972,319	6398,930
SWEETSTAKES FUNDS	373624,449	397079,318
TURNPIKES FUNDS	3585,601	3795,123
TOTAL	36074,999	46484,365
	1560061,893	1678153,281

Amendment to HB 1500-A

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Amend the bill by replacing section 2 with the following:

2 Positions Abolished; Legislative Intent.

I. The following positions in the below listed components and sub-components are abolished forthwith effective on the effective date of this act, or later as specifically indicated:

<u>Budget Number</u>	<u>Position Numbers</u>
01-04-03-02-00	10217, 10228, 10194
01-04-03-04-00	18018
01-04-05-05-01	10141
01-06-02-01	<i>Effective 7/1/90: 11437</i>
01-06-02-03	<i>Effective 7/1/90: 11399</i>
01-07-02-01	14518, 30530
02-02-01-01	10040, 10062
02-04-02-01	10352
02-04-02-06	18494
02-04-03-01	9U036, 9U044
02-08-02	17124
02-12-03	16739
02-12-06	18460
02-13-02	18941
02-13-04-02-01	<i>Effective 4/1/90: 14121, 14153,</i> <i>14027, 13992, 30468, 14154, 14232,</i> <i>14205, 14163, 14168, 14031, 14094,</i> <i>30474, 14085, 14069, 14125, 13983,</i> <i>30480, 17089, 17088, 14178, 13993</i>

Amendment to HB 1500-A

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<u>Budget Number</u>	<u>Position Numbers</u>
02-13-05	<i>Effective 4/1/90:</i> 14314, 14274, 14289
02-15-01-01	10507
02-15-02-01	18676
02-15-02-03	10561, 10590
02-15-02-04	18699
02-15-03-01	10525
02-15-03-03	10632
02-15-05-02	10442
02-16-01-01	16310, 16931
02-16-03-03-02	13011
02-16-05-02	30867
02-19-01-00-00	<i>Effective 7/1/90:</i> 18939
03-03-01-01-00	30186
03-03-03-03-01	16756
03-03-03-03-02	18113
03-03-04-03-00	18117
03-03-04-04	<i>Effective 7/1/90:</i> 19120
03-03-04-06-00	11462
03-04-01-02-00	12085
03-04-03-01-01	12087, 12023, 18757
03-04-03-07-00	12126
04-01-01-01	20005
04-01-01-05	20230

Amendment to HB 1500-A

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<u>Budget Number</u>	<u>Position Numbers</u>
04-01-01-02	20159
04-01-03-06	20048
04-01-03-01	17246, 17254, 17255
04-01-03-04-01	20132
05-01-01-01-00	12284
05-01-01-04-01	12330, 12460, 12372, 14617, 16585, 16594
05-01-01-04-02	12454, 12391, 12404, 12329
05-01-02-01-01	14689
05-01-02-01-03	14765
05-01-02-02-06	14811
05-01-02-03-02	14788, 14606
05-01-02-03-03	14647, 14727
05-01-02-04-03	14702
05-01-02-04-04	30557, 14816
05-01-03-05-10	11784, 16577
05-01-04-01-02	12273
05-01-04-02-02	12462, 12467
05-01-04-02-03	12208, 30305, 12148, 12145, 12146, 12287, 12198
05-01-04-03-02	12760, 12734, 12740
05-01-04-03-04	12541, 12547, 30297
05-01-05-01-01	14965
05-01-05-01-05	16616
05-01-05-03-02	9U173

Amendment to HB 1500-A

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<u>Budget Number</u>	<u>Position Numbers</u>
05-01-05-04-01	15812
05-01-05-04-02	16458, 16379, 16408
05-01-05-04-04	16194
05-01-06-01-02	17117
06-03-01-03-04	18881
06-03-03-01-00	18884
06-03-05-03-02	13282

II. It is not the intent of this act to abolish any positions identified in paragraph I of this section which are filled as of the effective date of this act.

Amend the bill by replacing section 4 with the following:

4 Reduction for Department of Health and Human Services. Amend 1989, 365:20 to read as follows:

365:20 [One] ~~Two~~ Percent Reduction. Appropriations made to the department of health and human services, exclusive of boards administratively attached to the department, from the general fund shall be reduced by [one] 2 percent across the board for [each of] the fiscal [years] ~~year~~ ending [June 30, 1990, and] June 30, 1991.

Amend the bill by deleting sections 11 and 12 and renumbering sections 13-15 to read as 11, 12 and 13, respectively.

Amend the bill by replacing section 13 with the following:

Amendment to HB 1500-A

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13 General Fund Appropriation Reduction; Department of Corrections. The department of corrections is hereby directed to reduce all state general fund appropriations by \$260,000 for the fiscal year ending June 30, 1991. The commissioner of the department of corrections shall, within 15 days of the effective date of this act, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section.

14 Effective Date. This act shall take effect upon its passage.

Committee amendment adopted.

Senator Magee offered a floor amendment.

SENATOR MAGEE: This amendment is offered at the request of the State Liquor Commission. Due to the growth of the Nashua area, the commission is of the opinion that the addition of a new store in the downtown area of Nashua would generate an additional \$560,000 in revenue. It is not going to be popular today, because there is an expenditure involved of \$186,754. That expenditure will not be the same in the next fiscal year. The reason for the additional \$186,000 is on start-up costs and construction of partitions inside an existing facility.

SENATOR BOND: Senator Magee, what provision or what study has been made of a potential market for this store? How much business is it liable to bring in from out-of-state, how much is it going to steal from other liquor stores?

SENATOR MAGEE: Senator Bond, it is the opinion of the commission, they are the ones who studied it, that it would not be a revenue detractor for other stores. In fact, because of the location in central Nashua and the shopping that takes place from Massachusetts residents in central Nashua that it will enhance the revenue situation and be an additional part of our revenue.

SENATOR BOND: Does that mean, Senator Magee, that the entire profit from this place will come from out-of-state and will not draw down any other liquor store in the area?

SENATOR MAGEE: I wouldn't be willing to say that the entire profit will come from that. We have a store on the State line, also, but there is no store that services the downtown area whatsoever in Nashua. They had to look at volume. They looked at the DW highway and that is where the store went. They looked at Amherst Street where there are 45,000 cars a day. They had to be there. Of course, we are in the \$4.50 per foot constraint of price and we have to go where the deals are as far as that goes. We think that if we have this vehicle, we think we can convince this particular location in central Nashua to make room for 4000 feet inside their store, and that is what the figures are based on.

SENATOR BASS: Senator Magee, you mentioned that this liquor store is going to generate \$500,000 net, I assume that is a net off of the appropriation. Is that correct?

SENATOR MAGEE: That is correct, based on \$2 million of annual sales, and a general fund revenue percentage of 28 percent. That is where the figure of \$560,000 comes from.

SENATOR BASS: And the year that you are talking about begins in this July, because the liquor store is going to be up and running before July 1 or not?

SENATOR MAGEE: You are correct, Senator Bass, it will be before July 1. The commission is of the opinion that this store can be put in place within 30 days of passage of this bill. The closing of the central Nashua store and the sale of that building has been delayed until July 1st.

SENATOR CHARBONNEAU: Senator Magee, I know that there is a bill pending that they are going to sell the Nashua store for about \$500,000. Are they going to take that money and put it into this, or how are they going to work it?

SENATOR MAGEE: The \$500,000 would go back into the general fund.

FLOOR AMENDMENT TO HB 1500

Amend the bill by replacing section 14 with the following:

14 Supplemental Appropriation; Liquor Commission. In addition to sums appropriated in section 1 of this act, the following sums are appropriated for the fiscal year ending June 30, 1991, to the liquor commission in PAU 02, 13, 04, 02, 01 for an additional state liquor store in downtown Nashua:

	FY 1991
10 Personal services	\$ 55,723
20 Current expenses	32,000
22 Rents and leases to non-state	22,000
23 Heat, electricity and water	3,000
30 Equipment	50,000
50 Personal services-other	10,000
60 Benefits	13,931
70 In-state travel	100
Total	\$186,754

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

15 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Senator Blaisdell moved to lay **HB 1500-A** on the table.

Adopted

RULE 44

SENATOR BLAISDELL: I just want to correct something if I may. Mr. President and members of the Senate, I would like to tell you that I did not say this morning that I was ashamed of this budget. I want that to be clearly understood. That would be an insult to the people that I sat with on Senate Finance, I want that known. I am not happy with it. I think those were the words I used. So to say that I was ashamed of it, as I said, would be a direct insult in the face of Senator Torr and the other members of Senate Finance. So I want that clearly known. I am not ashamed of this budget and I am proud of the people who worked on Finance and proud of the people from the LBA office who worked so hard. I want you to know that we put some time and effort into this budget.

COMMITTEE REPORTS

HB 552-FN, relative to assessment of conservation lands.

Ought To Pass. Senator St. Jean for the committee.

SENATOR ST. JEAN: Internal Affairs committee met on the pending piece of legislation and we urge you to endorse the committee report.

Adopted. Ordered to Third Reading.

HB 530-FN, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war.

Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: This is an attempt to coordinate some of our drug efforts. I don't know if it will work, but it can't do any harm. There are jurisdictional disputes in the drug effort and sometimes lack of cooperation and coordination. This is an attempt to establish an oversight group to straighten out some of these. The amendment, predominately, reduces the number of legislative members. The original bill had 22 percent of the Senate on there and we thought that perhaps 22 percent of the Senate was too much and that the House and Senate numbers should be the same. We added a sheriff which would fill out the three levels of law enforcement - local, state and county. That is primarily the Senate amendment and I would urge you to vote in the affirmative.

Amendment to HB 530-FN

Amend paragraph II as inserted by section 1 of the bill by replacing all after subparagraph (b) with the following:

(c) Two senators, appointed by the senate president.

(d) One sheriff, appointed by the governor.

(e) One representative of the judicial council, nominated by the judicial council and appointed by the governor.

(f) One member of the New Hampshire Police Chiefs Association, nominated by the association and appointed by the governor.

(g) One member of the New Hampshire Police Association, nominated by the association and appointed by the governor.

Amend paragraph II as inserted by section 3 of the bill by replacing it with the following:

II. The committee shall work to ensure that the various agencies of state government develop a cooperative posture to meet the plans of the federal drug war. The committee shall:

(a) Develop a strategic approach and comprehensive policy to most effectively combat the drug problem.

(b) Evaluate the effectiveness of the drug education effort in the schools.

(c) Determine where resources should be targeted in enforcement, treatment and education.

The committee shall propose legislation, as necessary, and shall participate in joint hearings with the appropriate house and senate standing committees.

Amendment adopted. Ordered to Third Reading.

SB 325, relative to a construction mortgage holder's fiduciary duties to mechanics' lienholders at foreclosure sales.

Ought to Pass. Senator Podles for committee.

SENATOR PODLES: What this legislation is seeking to do is to transfer the responsibility for the payment of the subcontractors bills from the borrower to the bank in a foreclosure sale. The banks have told the committee that this would be an impossible and difficult burden placed on them. On the other hand, the contractors are not paid for labor and materials that have increased the property value and hundreds are getting hurt and numerous builders are being forced into bankruptcy. They claim that the foreclosure sales are being manipulated to result in a windfall for the banks and they want to be protected at the foreclosure sales. If the economic downturn continues, this problem will not go away. It needs to be addressed. The committee's actions failed to come up with a recommendations and we are relying on the full Senate.

SENATOR ROBERGE: The purpose of SB 325 is to modify the mechanic's lien statutes to better assure that contractors are paid when they build projects that are financed by the banks. Here is a

typical situation which SB 325 addresses. A bank lends money for a person to acquire a piece of property and build improvements on it. The owner contracts for the improvements which are satisfactorily performed. The owner fails to pay the builder. The contractor files for and perfects a mechanics lien for money owed. The bank has a construction mortgage on the property, thus both the bank and the builder have secured interest in the property. The only issue is who has the priority. The problem arises when the bank proceeds to foreclose on the property. All this bill does is to state that a bank has a duty of good faith and due diligence to other lien holders. It requires that when a bank forecloses they take into account not only their own interests, but those of the other lien holders. That is all this bill does. The banks will say that they don't have the funds to reimburse a builder when the owner has spent the funds elsewhere. To that I say, that when this bill has been passed and signed into law, the banks should look into its business practices to make sure that funds are spent properly. The banks will say that they don't have the resources or that it would cost too much to monitor how funds are spent on construction. To that I say it takes very few resources to obtain from a builder a waiver of a mechanics lien. Such a waiver states that all bills have been paid to date, and obtaining such a waiver is standard practice among many banks already. What if an owner forges the waivers of lien? Then the bank has recourse against the owner who benefited by receiving funds meant for the builder. Let me state again, we have two parties with secured claims to property. The only issue is the priority of those claims. However, as the mortgagee, the bank has the ability to foreclose and sell at auction the property which a builder has legitimate secured interests. All that the building industry wants is for the banks to take into account the other lien holders who have enriched the property on which the bank holds the mortgage. I have a true story of a case that has happened. In the past year, we have a contractor who built eight projects who have gone to foreclosure sale in the Manchester area alone. To date, this company is out \$1 million. The money was not paid, the banks prioritized their mortgage, the subcontractors got nothing. To date, this contractor has spent over \$150,000 in attorney's fees trying to recover his losses. This contractor has not been able to survive and most contractors are not going to be able to survive. We are in a declining market and these people are not being protected. I move ought to pass on SB 325.

SENATOR CHARBONNEAU: Senator Roberge, why is the current mechanics lien law unfair to builders when a property goes to foreclosure?

SENATOR ROBERGE: It is unfair, because in a foreclosure the law allows the holder of a construction mortgage to sell the property and to distribute the proceeds to themselves, even though the bulk of the improvements on the property and most of the value in the property might well have been the goods, materials and supplies of the builder.

SENATOR CHARBONNEAU: If a contractor supplies do not get paid, don't they sometimes have to go out of business?

SENATOR ROBERGE: Yes.

SENATOR CHARBONNEAU: Aren't those contractors going out of business in New Hampshire every week due to the lack of payment?

SENATOR ROBERGE: Yes, they are. And it is because the banks are going through these foreclosures and keeping the money for themselves. They are not distributing the funds properly.

SENATOR JOHNSON: If we didn't have the mortgage foreclosures taking place in New Hampshire, this bill probably would not be required. But we do, and this bill is required. If this bill is not passed, the defeat of this bill would properly be regarded as a bankers protection act. A perfected mechanics lien has always had priority. This priority must be preserved to protect those people in the construction business, who have spent their own dollars, hired their own employees, and have done the work that has created the value that is realized either in a foreclosure or at an ordinary sale. This is a basic fairness bill. This Senate must protect a perfected mechanics lien and certainly not sacrifice their efforts in order to placate the bankers of New Hampshire.

SENATOR ST. JEAN: I may have to give a little dose of reality here, having to deal with foreclosure sales pretty much every day. What the picture that is being painted here is that somehow the lending institutions purposely bring down the bid price at a foreclosure sales to wipe out everybody in line and then somehow, once that occurs, flip the piece of property and make all kinds of money. In the real world that does not exist. If there is overage on a foreclosure sale, that money does in fact go to the next in line all the way down the line. What this piece of legislation does, it sets up a fiduciary relationship between the bank and somebody that they don't even know down the line that they have to protect their interests. While Senator Torr's intent on introducing this piece of legislation was honorable, I think the ramifications are wide, wide ranging. We ought not to be dabbling in this without really looking into this piece of

legislation. I think that it is something that needs to be studied before we pass something like this. If you talk to any lawyers that deal in this statute, I'll tell you this is going to create nightmares out there. And if you think we have suits involving foreclosure sales now, we pass this legislation and I can guarantee you everybody is going to be in court on a daily basis. I would suggest to you, as somebody who has done more foreclosure sales this past year than anybody in the State, that we had better go very slowly in this area. I urge that we study this piece of legislation and come up with something that both sides can be very comfortable with.

SENATOR TORR: Senator St. Jean, would you believe that when I first authorized my signature to put to this bill, I thought it was an innocent little bill. But the terminology fiduciary duty goes far beyond those expectations of the Associated Builders Contractors who asked me to sponsor the bill. Therefore, I agree with you it should be studied.

SENATOR ST. JEAN: You are an honorable man, Senator Torr and I am glad you agree with me.

Senator Dupont moved to have **SB 325** relative to a construction mortgage holder's fiduciary duties to mechanics' lienholders at foreclosure sales Laid on the Table.

Adopted.

HB 348-FN, relative to damages from construction.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill creates a statute of limitation of six years after substantial completion of any improvement to real property which includes design, labor, materials, engineering, planning, surveying, construction, observation, supervision or inspection of that improvement. The committee felt that under the circumstances it was fair that architects and contractors and so forth not be held liable for problems which may occur as a result of design deficiencies after six years of completion. We all know in this litigious environment that we live in that unnecessary and unfounded suits can drive the cost of doing business in this State up unnecessarily. And under the status quo, it is necessary, for example, for architects to carry liability insurance long after they leave the profession, or they dissolve their partnerships. And this really isn't necessary. The information that was brought before us indicated that as a matter of reality over ninety percent of all claims are brought within the first five years of the completion of the construction of a project. There is

an exemption for nuclear energy facilities and also an exemption for warranties, if there are separate warranties for longer periods of time than are discussed in this statute. I urge the Senate's adoption of the committee report ought to pass with amendment.

Amendment to HB 348-FN

Amend RSA 508:4-b as inserted by section 2 of the bill by replacing it with following:

508:4-b Damages from Construction.

I. Except as otherwise provided in this section, all actions to recover damages for injury to property, injury to the person, wrongful death or economic loss arising out of any deficiency in the creation of an improvement to real property, including without limitation the design, labor, materials, engineering, planning, surveying, construction, observation, supervision or inspection of that improvement, shall be brought within 6 years from the date of substantial completion of the improvement, and not thereafter.

II. The term "substantial completion" means that construction is sufficiently complete so that an improvement may be utilized by its owner or lawful possessor for the purposes intended. In the case of a phased project with more than one substantial completion date, the 6-year period of limitations for actions involving systems designed to serve the entire project shall not begin until all phases of the project are substantially complete.

III. If an improvement to real property is expressly warranted or guaranteed in writing for a period longer than 6 years, the period of limitation set out in paragraph I shall extend to equal the longer period of warranty or guarantee.

IV. In all actions for negligence in design or construction described in paragraph I, the standard of care used to determine negligence shall be the standard of care applicable to the activity giving rise to the cause of action at the time the activity was performed, rather than a standard applicable to a later time.

V.(a) The limitation set out in paragraph I shall not apply to actions involving fraudulent misrepresentations, or to actions involving the fraudulent concealment of material facts upon which a claim might be based. Such actions shall be brought within 6 years after the date on which all relevant facts are, or with due care ought to be, discovered by the person bringing the action.

(b) The 6-year limitation period in paragraph I shall not apply to actions arising out of any deficiency in the design, labor, materials, planning, engineering, surveying, observation, supervision, inspection or construction of improvements which are for nuclear power generation, nuclear waste storage, or the long-term storage of hazardous materials.

VI. Nothing in this section shall affect the liabilities of a person having actual possession or control of an improvement to real property as owner or lawful possessor thereof, and nothing contained in this section shall alter or amend the time within which an action in tort may be brought for damages arising out of negligence in the repair, maintenance or upkeep of an improvement to real property.

AMENDED ANALYSIS

This bill extends the 6-year statute of limitations on actions to recover damages resulting from the construction of property to actions dealing with deficiencies in the surveying, engineering, or inspection of construction and the materials and labor used in construction. The 6-year period begins when the construction is substantially completed.

Amendment adopted. Ordered to Third Reading.

SB 391-FN, relative to confidential communications between certain victims and counselors.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: SB 391 allows a foreign language interpreter to participate in confidential communications between a victim of an alleged sexual assault, or an alleged domestic violence. The bill further clarifies that a person covered by this confidential communication is exempt from provisions RSA 631:6. This statute stipulates that a person is guilty of a misdemeanor to knowingly treat or assist another for an injury he believes to have been caused by a criminal act. This bill does not carry a fiscal note. The courts will not have to pay for that interpreter and all of the costs will be by the domestic violence council.

Adopted. Ordered to Third Reading.

HB 596-FN, limiting personal liability of certain fire department emergency service and rescue squad members.

Ought To Pass. Senator Charbonneau for the committee

SENATOR CHARBONNEAU: The present volunteer immunity statute apparently does not generally cover one significant group of people for liability that comes out of the mistakes or actions which occur during the course of their official duties. They are firefighters, volunteer firefighters and rescue personnel and are employed by the cities and towns. The purpose of this bill is to cover those people with immunity from suit for actions that arise in the course of their

service. It is an excellent piece of legislation and provides protection for firefighters, volunteers and workers which are not covered. This bill is long overdue. I hope you will pass it.

Adopted. Ordered to Third Reading.

SB 358, modifying the subdivision approval process for minor subdivisions.

Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: This is legislation that essentially passed in an amendment last year in this body. It allows for the approval, without a hearing, of a minor subdivision of three lots or less, unless an abutter objects and requests that hearing. The amendment essentially lets an administrator, in towns that have them, make that decision.

Amendment to SB 358

Amend the bill by replacing section 1 with the following:

1 Delegation of Approval of Minor Subdivisions. Amend RSA 676:4, III to read as follows:

III. A planning board may, by adopting regulations, provide for an expedited review and approval for proposals involving minor subdivisions which create not more than 3 lots for building development purposes or for proposals which do not involve creation of lots for building development purposes. Such expedited review may allow submission and approval at one or more board meetings, but no application may be approved without the full notice to the abutters and public required under subparagraph I(d)]. A hearing, with notice as provided in subparagraph I(d), shall be held if requested by the applicant or abutters any time prior to approval or disapproval or if the planning board determines to hold a hearing.] **or, the planning board may, by ordinance or resolution, delegate it minor subdivision review powers and duties to its professional planning staff or other qualified administrators. This designee shall have final authority to approve or disapprove minor subdivision requests, provided that the decision of the designee may be appealed to the full planning board so long as notice of the appeal is filed within 20 days of the committee's decision. Public hearings shall not be required, unless specified by subdivision regulations, or upon the request of the applicant or abutter any time prior to approval or disapproval of the application.**

AMENDED ANALYSIS

This bill authorizes planning boards to give their professional staff members, or if there is no staff, the chairman of the planning board, the power to approve or disapprove the subdivision of certain tracts

of land without a hearing and meeting of the full planning board on the proposed subdivision. The decision may be appealed to the full planning board, and a public hearing may be provided if it is specified in the subdivision regulations.

Amendment adopted. Ordered to Third Reading.

HB 1004-FN, relative to the tax abatement procedure.

Ought To Pass With Amendment. Senator King for the committee.

SENATOR KING: HB 1004 changes some of the dates that are in the law currently regarding appealing of a property tax bill. The committee's amendment merely says that the town must place on the bill the language explaining to the property owner what the period of time is in which they have to file an appeal with their selectman. It also, as a means of protecting towns that may have already had their property tax bill printed from having to do that, it gives any town which has already had their property tax bills printed one year latitude with the law. Then they will have to comply with it afterwards.

Amendment to HB 1004-FN

Amend the bill by replacing section 3 with the following:

3 Information Required on Tax Bill. Amend RSA 76:11-a to read as follows:

76:11-a Information Required. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, school and county taxes separately, [and each bill shall also show] the assessed valuation of all lands and buildings for which said person is being taxed, **and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA 76:16.** The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

4 Application. The provisions of section 3 of this act shall not apply to cities and towns which have already prepared and printed their tax bills for the 1990 tax year on the effective date of this act. In such cities and towns, the provisions of section 3 of this act shall take effect one year after the effective date of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the time period during which a person may apply to the selectmen or assessors for an abatement of any tax from 4

months to 60 days. The bill requires that the right to apply for a tax abatement must be shown on each person's tax bill.

The bill also adds the new provision that if the board of tax and land appeals grants an abatement because of an incorrect tax assessment due to a clerical or factual error, the person receiving the abatement shall be reimbursed for the filing fee he paid to obtain a hearing on the abatement request.

Amendment adopted. Ordered to Third Reading.

HB 1044, relative to fees of justices of the peace and notaries public.

Ought To Pass. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1044 brings in to 1990 the fees of Justices of the Peace and Notaries Public. The fees on the books right now go back to the middle 1800's. There was no opposition to this. It was supported by the Secretary of State. In section one, it removes a requirement that they shall receive a dollar for administering an oath and establishes a ceiling of up to \$5.00 for each oath. It does something similar in regard to other notarial fees. It recognized that Notaries Public and Justices of the Peace are essentially public officers and that there needs to be some limitation on the fees that can be charged in order to protect the public from any possible unscrupulous notaries.

Adopted. Ordered to Third Reading.

HB 1136, relative to filing of annual reports with the Secretary of State.

Ought To Pass. Senator Heath for the committee.

SENATOR HEATH: Those people who are authorized to file the annual report in a corporation to the Secretary of State's office prior to the passage of this bill or at the present time, have to be named officers and in many cases, the financial officer is not the named officer and he could be authorized by the corporation to file that report.

Adopted. Ordered to Third Reading.

HB 1149-FN, relative to expending national forest reserve funds in unincorporated towns and unorganized places.

Ought To Pass. Senator King for the committee.

SENATOR KING: HB 1149 distributes funds from the federal Weeks Law that currently go to State bureaucracy directly to the unincorporated towns so that they could use that to help reduce the

property taxes that we have placed on them by making other changes relative to unincorporated towns in the last session of the legislature.

Adopted. Ordered to Third Reading.

HB 1053, relative to the patients' bill of rights.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: In 1987, the federal law pertaining to the patients' bill of rights was changed. RSA 151:21 does not have exactly the same wording. It means that the bill of rights has to be read and signed twice for each patient in nursing homes. That seems ridiculous to the nursing home operators and to us, so we urge you to support HB 1053.

Adopted. Ordered to Third Reading.

HB 1146-FN, relative to confidential information concerning a child who is subject to placement with persons or agencies.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB 1146 permits the release of confidential information regarding a child in the custody of the DCYS or a licensed child placing agency to be given to the person or agency who receive these children for placement. This presents a clear obligation on the part of all child placing agencies including the division to share in the information which relates to the safety of the child's placement. The bill includes a reporting requirement that DCYS on or before September 1, 1990 report to the legislature on the administrative rules that they have adopted to carry out the provisions of the act. DCYS has already assembled a committee to accomplish this. They will be meeting in the month of February.

Adopted. Ordered to Third Reading.

HB 745-FN, relative to the hazardous material transportation advisory board.

Ought To Pass With Amendment. Senator King for the committee..

SENATOR KING: HB 745 makes a few changes in the hazardous material transportation advisory board and adds several members from the hazardous material carrier industries and some representatives of the general public as well. The amendment that the committee proposes changes one small section that says that the Representative from the House has to be from the seacoast.

Amendment to HB 745-FN

Amend RSA 149-H:1, I(g) as inserted by section 1 of the bill by replacing it with the following:

(g) The [chairman of the transportation authority] **director of aeronautics, department of transportation**, or his designee[;].

Amend RSA 149-H:1, I(j) as inserted by section 1 of the bill by replacing it with the following:

(j) One member of the house of representatives, appointed by the speaker[;]. [a]

Amendment adopted. Ordered to Third Reading.

RECONSIDERATION

Senator Dupont moves reconsideration whereby we ordered **SB 343** providing a 5 percent cost of living adjustment for group II members of the New Hampshire Retirement System to third reading and final passage.

Adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: When this legislation was put together you all remember that there was some concern for the health of the fund. As a result of a lot of negotiation that went on during the time that this bill was being worked on, there had been an agreement that the supplemental allowance would kick in January 1, 1991 as a result of making sure that fund was in fact healthy enough to fund that cost of living increase. So the only change that we have here is that it is changed from July 1, 1991 to January 1, 1991 as per the agreement.

Amendment to SB 343-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Supplemental Allowance; Group II. As of January 1, 1991, all group II beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1991, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of 5 percent. The additional allowance shall become a permanent part of each beneficiary's base retirement allowance, as provided in RSA 100-A:42-a. This additional allowance shall only be granted however, if the actuary determines that sufficient funds are available in the special account created by RSA 100-A:16, II(h).

2 Funding of Additional Allowance.

I. For permanent policemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the police component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of July 1, 1990.

II. For permanent firemen members of group II, the total actuarial cost of providing the additional allowance as provided in section 1 of this act shall be funded from the fire component of the special account created by RSA 100-A:16, II(h) on a terminal basis as of July 1, 1990.

3 Granting of Additional Allowances. The additional allowance provided under sections 1 and 2 of this act shall only be granted if the actuary determines that sufficient funds are available in the special account created by RSA 100-A:16, II(h). For the purpose of reaching this determination, the actuary shall look at the fire and police components separately as of July 1, 1990. In the event that sufficient funds are available for one component but not the other, the allowance shall be granted for the component for which funds are available.

4 Funding of Special Account for Additional Benefits. RSA 100-A:16, II(h) is repealed and reenacted to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be credited annually with all of the earning of the special account assets; in addition, 50 percent of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the board of trustees shall be credited to the special account, the balance to be credited to the general retirement trust fund until such time as each respective member classification funding ratio equals or exceeds 125 percent; then 100 percent of such earnings in excess of the assumed rate shall be credited to the special account. In no case shall excess earning transferred to the retirement trust fund under this section be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraph (b), (c), and (d). The assets held in the special account shall not be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d). The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances not to exceed 5 percent in any fiscal year, or as determined by the actuary based on the availability of the special account assets, and, second, to the extent that additional funds may be available in the special account, to provide additional benefits for retired members and beneficiaries of the retirement system.

5 Application to Other Laws. All acts passed during the 1990 regular session of the general court dealing with the subject of retirement and which require funding from the retirement system special account, RSA 100-A:16, II(h), shall be subject to the provisions of RSA 100-A:16, II(h) as amended by section 4 of this act.

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 30, 1990.

AMENDED ANALYSIS

This bill provides a 5 percent cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired on or before January 1, 1991, effective January 1, 1991. The additional allowance becomes a permanent part of the beneficiary's base retirement allowance.

Funding for the additional allowance comes from the police and fire components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

Funding for the additional allowance is contingent upon an actuarial funding that sufficient funds are available in the special account for the additional allowance.

Amendment adopted. Ordered to Third Reading.

RESOLUTION

Senator Dupont moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

Third Reading and Final Passage

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

SB 344-FN, relative to the appointment of the director of water supply and pollution control.

HB 746-FN, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees.

HB 1048-FN, relative to rabies control of dogs.

HB 552-FN, relative to assessment of conservation lands.

HB 530-FN, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war.

HB 348-FN, relative to damages from construction.

SB 391-FN, relative to confidential communications between certain victims and counselors.

HB 596-FN, limiting personal liability of certain fire department, emergency service, and rescue squad members.

SB 358, modifying the subdivision approval process for minor subdivisions.

HB 1004-FN, relative to the tax abatement procedure.

HB 1044, relative to fees of justices of the peace and notaries public.

HB 1136, relative to filing of annual reports with the Secretary of State.

HB 1149-FN, relative to expending national forest reserve funds in unincorporated towns and unorganized places.

HB 1053, relative to the patients' bill of rights.

HB 1146-FN, relative to confidential information concerning a child who is subject to placement with persons or agencies.

HB 745-FN, relative to the hazardous material transportation advisory board.

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

SB 373-FN-A, relative to compulsory school attendance and to home education.

RESOLUTION

Senator Dupont moved that the business of the day being completed, the Senate recess to the Call of the Chair for the sole purpose of referring bills to committee and scheduling hearings.

Adopted.

Recess.

Out of Recess.

Senator Dupont in the Chair.

INTRODUCTION OF HOUSE BILLS

Senator Bond offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered

HB 1029, relative to the sale of venison by licensed propagators. (Dev. Rec. & Env.)

HB 1068, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds. (Dev. Rec. & Env.)

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system. (Public Inst.)

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant. (Public Affairs)

HB 1122-FN, establishing a study committee on the best use of the Kona Wildlife Area in the town of Moultonborough. (Dev. Rec. & Env.)

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District. (Capital Budget)

HB 1197, to identify individual contributors to political campaigns. (Public Affairs)

HB 1169-FN, establishing a committee to study drug and alcohol testing in the workplace. (Public Institutions, Health & Human Services)

HB 1200-FN, to change the name of the governor's commission for the handicapped. (Exec. Depts.)

HB 1240-FN, relative to the purchase and distribution of drugs for the control of infectious diseases. (Public Institutions, Health & Human Services)

HB 1285, relative to agricultural labor and unemployment compensation. (Exec. Depts.)

HB 1304-FN, establishing a committee to study mobile health care units. (Public Institutions, Health & Human Services)

HB 1375-FN, relative to impact fee legislation. (Exec. Depts.)

HB 1427-FN, relative to the recycling logo. (Dev, Rec, & Env)

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil. (Transportation)

HCR 15, supporting multi-cultural and multi-ethnic education for New Hampshire students. (Education)

HB 1038-FN, relative to revenue raising measures and certain appropriations. (Ways & Means)

HB 1039-FN-A, relative to a bingo fee. (Ways & Means)

HB 1057-FN-A, relative to a fee for lucky 7 tickets. (Ways & Means)

HB 1170-FN, to increase the real estate transfer tax for the bien-nium ending June 30, 1991. (Ways & Means)

HB 1390-FN-A, to impose a communications services tax and making an appropriation therefor. (Ways & Means)

HB 1502-FN-A, increasing the beer tax. (Ways & Means)

HB 1503-FN, relative to certain general fund fees and revenues and certification of wastewater treatment plant operators. (Ways & Means)

HB 1504-FN-A, increasing the tobacco tax. (Ways & Means)

HB 1505-FN-A, relative to motor vehicle road tolls and fees and a gasoline floor tax. (Ways & Means)

Recess.

February 15, 1990

Out of Recess.

LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjournment.

February 15, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray! Lord, I often wonder as to how people vote as they do. What has become of people looking after people and giving them help in the right way, not destroying it.

Help us in this Senate to do what is right for all! Have a good and mind free recess! God Bless!

Amen

Senator St. Jean led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered HB 1025 through 1432-FN and HCR 18 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1025, relative to limited liability for volunteers. (Judiciary)

HB 1046, relative to the declaration of purpose for the planning and zoning laws. (Public Affairs)

HB 1092-FN, relative to equity sharing in low and moderate income housing and reverse equity loans. (Banks)

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett. (Public Affairs)

HB 1100, relative to the time for submitting proposed zoning ordinance amendments to the town clerk. (Public Affairs)

HB 1102-FN, relative to Route 16 in Conway. (Capital Budget)

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility. (Internal Affairs)

HB 1137, relative to condominium law. (Public Affairs)

HB 1189-FN, relative to reimbursement for acts which require public agency response services. (Judiciary)

HB 1193-FN, relative to wage withholding. (Interstate Cooperation)

HB 1244, relative to municipal charters and to extending the time for the filing of a report by the municipal charter study committee. (Public Affairs)

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Executive Departments)

HB 1258-FN, establishing a New Hampshire clean lakes program. (Dev, Rec & Env.)

HB 1262-FN, relative to recording of ancient plats. (Public Affairs)

HB 1324-FN, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin. (Interstate Coop)

HB 1344, relative to least cost planning by electric utilities. (Internal Affairs)

HB 1364, relative to energy conservation standards in new building construction. (Capital Budget)

HB 1384, relative to use of genetic test results as evidence in paternity proceedings. (Judiciary)

HB 1424-FN, regulating abortions. (Judiciary)

HB 1429, relative to excavation, quarrying, and mining. (Dev, Rec & Env)

HB 1432-FN, relative to the New Hampshire rivers management and protection program. (Dev, Rec & Env)

HCR 18, urging a statewide conference on families. (Public Inst.)

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the Passage of the following entitled Resolution sent down from the Senate:

SJR 1, naming the Kenneth M. Tarr Health Care Facilities.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate:

SB 350-A, relative to an office building design and making an appropriation therefor.

RULE 44

SENATOR PRESTON: I would like to apologize in advance because I don't think I have done a Rule 44 before a session, certainly not one as deliberative and important as this one is to be. I would like to thank the Republican Senators who came up to me this morning and apologized for the comments made by the Governor in the newspapers. I arrived at the State House fuming this morning, when I read in the newspaper that "no thanks to the Democrats that we were near a budget resolve", and I think we were in a relative part of the whole process. That is really sickening to me, when I think of a

Democrat chairman of Finance, Senator St. Jean sitting on Finance and all the efforts made by individual Senators to work with members of the budget committee throughout this process to address a lot of concerns. I should really consider the source from whence this comes and not even respond, because the Governor has been a passive observer for a long time to this entire process. He is an embarrassment to the Republican leadership. As far as I am concerned, on the very day that we are making these very difficult decisions, trying best to serve the people of New Hampshire on a bipartisan basis with the limited monies, we have a man posturing up there in the corner office trying to upset a third of the Senate when we are trying to work together cooperatively. Well, I don't think his comments will have adverse effects on what happens today and I want to convey that to you, Mr. President. Maybe, Governor Gregg, while he has nothing to do up there, should go down to Portsmouth Naval Shipyard and dial the White House from there and say that he is going to protect those 1500 jobs that are down there. The Democrats have offered several alternatives to this Finance committee and some will be discussed today, from catastrophic aid, dental programs that we think should be addressed better than they are, emergency health services. We suggested cuts were necessary. We have sponsored legislation with Senator Heath and others to stop the outflow of fines in the courts that could leave millions in the State of New Hampshire. The Governor can lightly discuss laying off the 300 State employees, well maybe while he has time, he should go down to the unemployment office in Nashua because that is where the action is. Because he has never had to look for a job. This is serious business. It upsets me terribly that he is out there name calling and I understand the Senate President went down to see him this morning and said, "Please." Well, I say to you Governor, please. And if you keep this up, I am going raise enough money in the Senate Chamber to buy you a television set, you can watch General Hospital, because you are not adding anything to the process today. I am sick and tired of it and so are some of your Republicans.

COMMITTEE REPORTS

HB 1501-FN-A, relative to state revenues and expenditures.

Ought to Pass with Amendment. Senator Dupont for the committee.

SENATOR DUPONT: I am unsure at this point in time whether the Senate would like me to go through in detail with the Senate amendment or whether I should just answer any questions. Briefly, and I know we have a long afternoon, so I would prefer not to go through it in detail, and if anybody has any questions, we have gone through

and the major provisions of this bill deal with lapsing of funds, changes in the Philbrick Center; there is a funds lapse situation which deals with police standards and training; escrow money for the court system; and the raising of a number of fees in the Department of Environmental Services. If any member would like me to go through in detail what we are doing in any of those areas, I would be glad to do it. I think the amended analysis fairly accurately lays out what is happening. You would need to take 1501 as passed by the House and make the comparison with the changes that we have adopted in the Senate. So with that I will answer any questions that any member may have.

SENATOR JOHNSON: Senator Dupont, tell me please what appropriations for salary increases and benefits are being repealed?

SENATOR DUPONT: Senator, if you take a look at this legislation and go through you will find in section six there is schedule that looks at the repeals that your question concerns. You would have to go to the original bill. It is not the amendment in the calendar today. We made no changes to the original bill other than the amendment in the calendar.

SENATOR JOHNSON: Section six of the bill that is in front of us right now?

SENATOR DUPONT: If you are looking for repeals that would be the section that you would look at.

SENATOR DISNARD: Senator Dupont, is it my understanding that there might be a type of contingency, if money is available that the unwritten understanding would be that the tuitions for the vocational-technical schools and technical colleges might be reviewed so that they could be lowered from \$200 down to \$100?

SENATOR DUPONT: Senator, I think we have tried to make it clear to everybody as Senate Finance has gone through this very deliberative process that we are going to be in session for a couple of months after we get back. That after this bill is put in place the ability to review what we do today will still be available and if there are issues that need to be dealt with, we can deal with them. I think we are all very sensitive to the impact that this budget is going to have both on the University System of New Hampshire and the vocational colleges. I stand with you in hoping that we can do something on tuition.

Amendment to HB 1501-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state revenues and expenditures and relative to certain general fund fees and revenues and certification of wastewater treatment plant operators.

Amend paragraph III of section 3 of the bill by replacing it with the following:

III. The following balances forward in the department of education and the department of libraries, arts and historical resources are hereby lapsed to the unappropriated surplus of the general fund:

Account 6017-90	\$ 911.00
Account 6017-91	12,950.00
Account 3260-94	24,652.00
Account 6405-90	45,629.00
Account 6030-90	317,000.00
Account 6006-90	31,772.70
Account 6008-90	40,164.22
Account 6011-90	20.79
Account 1127-90,91	100,000.00
Total	\$573,099.71

Amend the bill by replacing all after section 36 with the following:

37 Position Prospectively Abolished. The incumbent in position number 11448 in the department of resources and economic development, division of parks and recreation, bureau of marine services, funded in PAU 03, 03, 04, 08, shall remain in that position. However, upon the incumbent's retirement or transfer from such position, the position shall be immediately abolished and any remaining funds for such position shall lapse into the salary adjustment fund.

38 Deposit of Interest Earned on Hazardous Waste Cleanup Fund.

I. Notwithstanding RSA 147-B:3, II, all interest accrued from investments made by the state treasurer under RSA 147-B:3 from June 23, 1981 to the effective date of this section and due the hazardous waste cleanup fund shall remain in the general fund.

II. Notwithstanding RSA 147-B:3, II, all interest received from investments made by the state treasurer under RSA 147-B:3 from the effective date of this section to June 30, 1990, shall be credited to the general fund.

III. On and after July 1, 1990, all interest received from investments made by the state treasurer under RSA 147-B:3 shall be credited to the hazardous waste cleanup fund.

39 Deposit of Interest Earned on Oil Pollution Control Fund.

I. Notwithstanding RSA 146-A:11-a, II, all interest accrued from investments made by the state treasurer under RSA 146-A:11-a and former RSA 146-A:11, VI from July 1, 1979, to the effective date of

this section, with the exception of earnings credited during fiscal year 1987, and due the oil pollution control fund shall remain in the general fund.

II. Notwithstanding RSA 146-A:11-a, II all interest received from investments made by the state treasurer under RSA 146-A:11-a from the effective date of this section to June 30, 1990, shall be credited to the general fund.

III. On and after July 1, 1990, all interest received from investments made by the state treasurer under RSA 146-A:11-a shall be credited to the oil pollution control fund.

40 Deposit of Interest Earned on Oil Discharge and Disposal Cleanup Fund.

I. Notwithstanding RSA 146-D:3, IV all interest accrued from investments made by the state treasurer under RSA 146-D:3 from July 1, 1988, to the effective date of this section and due the oil discharge and disposal cleanup fund shall remain in the general fund.

II. Notwithstanding RSA 146-D:3, IV all interest received from investments made by the state treasurer under RSA 146-D:3 from the effective date of this section to June 30, 1990, shall be credited to the general fund.

III. On and after July 1, 1990, all interest received from investments made by the state treasurer under RSA 146-D:3 shall be credited to the oil discharge and disposal cleanup fund.

41 Statement of Intent; Salary of Executive Directors of Community Mental Health Centers.

I. The general court has an interest in ensuring that the compensation received by persons providing services on behalf of the state is not excessive or unreasonable, whether such persons are state employees or employed by agencies under contract with the state. The general court recognizes that community services to citizens with mental illnesses are provided by community mental health centers through contracts with the division of mental health and developmental services.

II. Therefore, the general court hereby directs the director of the division of mental health and developmental services to require that the salary paid directly or indirectly by a community mental health center in the fiscal year ending June 30, 1991, to its executive director shall not exceed an annual full-time equivalent rate of \$70,000 for that portion of the executive director's time allocated to the administration and provision of services purchased by the division of mental health and developmental services. The division of mental health and developmental services may conduct such audits and reviews of the financial records of community mental health centers as are necessary to establish compensation levels.

42 Purpose; Transfer of Philbrook Center.

I. It is the desire of the general court to enhance inpatient psychiatric care provided by the state to children and youth, to extend to the Anna Philbrook center the benefits of a relationship with the department of psychiatry at the Dartmouth Medical School, to improve coordination of outpatient mental health services provided through community mental health centers, and to maximize the federal reimbursement of the cost of care and treatment provided within the Philbrook center.

II. Accordingly, responsibility for the administration and operation of the following Philbrook center functions shall be transferred from the division for children and youth services, department of health and human services, to the division of mental health and developmental services, department of health and human services: the care and treatment of mentally ill children pursuant to RSA 135-C and the evaluation, care, and treatment of children under RSA 169-B, 169-C, and 169-D, except for children awaiting disposition of the court pursuant to RSA 169-B:14.

43 Philbrook Center Records Included in Duties of Office of Reimbursements in Department of Health and Human Services. Amend RSA 126-A:45, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, Laconia developmental services, the secure psychiatric unit, [and] the Glenclyff home for the elderly, **and the Anna Philbrook center**, relative to expenses incurred by patients at such institutions, or expenses incurred by patients receiving care, treatment, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the director of mental health and developmental services and the director of public health services and to the respective superintendents of such institutions, as to the rates to be charged for the care, treatment, and maintenance of such patients or residents.

44 New Section; Liability for Expenses; Philbrook Center Services. Amend RSA 126-A by inserting after section 49 the following new section:

126-A:49-a Liability for Expenses and Hearing on Liability.

I.(a) Whenever the court issues an order for evaluation, care, or treatment of a child at the Philbrook center pursuant to RSA 169-B, 169-C, or 169-D, the expenses of such evaluation, care, or treatment shall be borne by the division of mental health and developmental services, except as otherwise provided in this section.

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services.

(c) The state shall have a right of action over such expenses against the parents or the people chargeable by law for the minor's

support and necessities. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the state as may be reasonable and just, based on the person's ability to pay. Such financial statement shall include, but not be limited to, any benefits received from the Social Security Administration or insurance coverage available to the individual. The court shall include disposition of these benefits in its order as to reimbursement. Such reimbursement shall be established on a per month or per week basis and shall continue for a duration of time equal to the duration of time in which expenses are incurred on behalf of the minor by the state. The court's jurisdiction to order reimbursement shall continue until the obligation to reimburse has been fulfilled.

II. Upon the issuance of an order under paragraph I, the court shall send notice to the state. The state may, within 30 days from the receipt of notice, request a hearing on the issue of recovery. At such hearing, the court shall provide all financial information, including names and addresses of persons chargeable by law for the minor's support and necessities, to the state.

III. The office of reimbursements, acting on behalf of the New Hampshire hospital, is authorized to compromise or reduce any expense to be charged to the state.

IV. Notwithstanding paragraph I, the county in which the court is located which issued the order creating liability for expenses for the child shall be responsible for reimbursing the state for up to 25 percent of the costs incurred under RSA 169-B, 169-C, or 169-D. If the court's jurisdiction crosses county lines, then the county from which the child was referred to the court shall be responsible for such reimbursement. When determining the amount of reimbursement, all services for which the county would be liable if it were the legally liable unit shall be included, except services which are already the responsibility of the appropriate school district under RSA 186-C.

V. The county which is responsible for reimbursing the state under paragraph IV is authorized to collect, on behalf of the division, payments from persons or entities which are ordered to reimburse the division under paragraph I, or which are chargeable by law for the minor's support and necessities. Any amounts collected by the county pursuant to this paragraph shall be forwarded to the division, which, in turn, shall apply 25 percent of the amounts collected to reduce the county's liability under paragraph IV. The county may deduct reasonable administrative expenses directly associated with collections under this paragraph, subject to the approval of the di-

rector, division of mental health and developmental services. The director may adopt rules, pursuant to RSA 541-A, relative to this paragraph.

VI. Notwithstanding any subsequent acts of delinquency or other acts committed by a minor which bring him to the attention of a district court, the county having liability for the minor pursuant to paragraph IV shall remain the county liable for the minor until the person reaches 18 years of age in the case of a person subject to RSA 169-C or RSA 169-D or 19 years of age in the case of a person subject to RSA 169-B or until the court's jurisdiction is ended, whichever occurs first.

VII. If the person responsible for paying reimbursements to the county under paragraph V is financially able to pay such reimbursements but fails to make such payments, the county may apply to the superior court for a lien on such person's real or personal property for the amount of reimbursements due.

45 New Subdivision; Philbrook Center; Purpose, Admission, and Discharge. Amend RSA 135-C by inserting after section 63 the following new subdivision:

Anna Philbrook Center

135-C:64 Philbrook Center; Purpose. The director shall maintain as part of New Hampshire hospital the institution known as the Anna Philbrook center for purposes which shall include but not be limited to:

I. Care and treatment of children with mental illnesses who are admitted on a voluntary basis pursuant to RSA 135-C:4, III or involuntarily pursuant to RSA 135-C:27-54.

II. Evaluation, care, and treatment of children under RSA 169-B, 169-C, and 169-D, subject to the provisions of RSA 135-C:65.

135-C:65 Admission Limitation. Children subject to proceedings in juvenile court may be admitted to the Philbrook center for evaluation, care, or treatment only upon prior approval of the director or designee.

135-C:66 Access of records. Notwithstanding any other provisions of law, records regarding children placed at the Philbrook center pursuant to RSA 169-B, 169-C, 169-D shall be exchanged between the center and the division for children and youth services as necessary to facilitate care and treatment and as otherwise necessary for the respective agencies to carry out their duties. The receiving agency shall maintain the confidentiality of such records according to applicable law.

135-C:67 Admission and Discharge; Rulemaking. Notwithstanding any other provision of law, the director, after consultation with the director of the division for children and youth services, shall adopt

rules relative to eligibility criteria and procedures for admission to and discharge from the Philbrook center.

46 Liability for Expenses; Philbrook Placements Excluded. Amend RSA 169-B:40, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, **or to expenses incurred for evaluation, care, and treatment of the minor at the Philbrook center.**

47 Name Change. Amend RSA 169-C:16, III to read as follows:

III. The court at any time may order the child, the parents, guardian or custodian to submit to a mental health evaluation or undergo a physical examination or treatment with a written assessment being provided to the court. The court may order that the child, who is the subject of the petition or the family or both be evaluated by a mental health center or any other psychiatrist, psychologist or psychiatric social worker or family therapist or undergo physical examination or treatment with a written assessment provided to the court. Evaluations performed at the Philbrook center may occur only upon receiving prior approval for such evaluation from the director, division [for children and youth services] **of mental health and developmental services**, or [his] designee.

48 Liability for Expenses; Philbrook Placements Excluded. Amend RSA 169-C:27, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, **or to expenses incurred for evaluation, care, and treatment of the child at the Philbrook center.**

49 Name Change. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the division for children and youth services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child. Evaluations performed at the Philbrook center may occur only upon receiving prior approval for such evaluation from the director, division [for children and youth services] **or mental health and developmental services**, or [his] designee. When ordered by the court, such investigation shall include a physical and mental examination of the child, parents, guardian, or person having custody. The court shall inform the parents, guardian or person having custody and child of their right to object to the physical examination or mental health evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents,

guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

50 Liability for Expenses; Philbrook Placements Excluded. Amend RSA 169-D:29, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and educationally related services, **or to expenses incurred for evaluation, care, and treatment of the child at the Philbrook center.**

51 Definition Changed. Amend RSA 170-G:1, II-a to read as follows:

II-a. "Center" means the [Philbrook center for children and youth] **youth services center.**

52 Name Change. Amend the subdivision heading preceding RSA 170-G:9 to read as follows:

[Philbrook] **Youth Services Center**

53 Name and Term Changes. Amend RSA 170-G:9 to read as follows:

170-G:9 Powers and Duties of Director.

I. The director shall maintain [an institution to be known as] the [Anna Philbrook] **youth services center** [for children and youth] for such purposes as the director shall determine, which may include, but are not limited to, the purposes described in RSA 170-G:10.

II. The director shall engage [a superintendent] **an administrator**, who shall be a full-time classified employee and shall appoint, within available appropriations and subject to the rules of the [state] **division of personnel** [commission] **department of administrative services**, such employees as necessary for the center.

III. The director shall adopt rules, pursuant to RSA 541-A, [subject to the approval of the commissioner of health and human services,] relative to the management of the center and all persons connected with the center, and for the admission[, and care[, and treatment]] of children at the center.

54 Admission to Youth Services Center; Temporary Detention and Educational Services. RSA 170-G:11, I is repealed and reenacted to read as follows:

I. Children, subject to proceedings in juvenile court, may be admitted to the center for temporary detention while awaiting disposition of the court pursuant to RSA 169-B:14, for educational services pursuant to RSA 186-C, 169-B, 169-C, or 169-D, only upon prior approval of the director.

55 Term Deleted; Reference to Agency Changed. Amend RSA 170-G:12, I to read as follows:

I. Full and complete records shall be kept by the director of the [treatment,] care[, and study of each child admitted to the center. The records shall not be open to the inspection of any persons not on the staff of the director except that such records shall be available, by court order, to any court having competent jurisdiction of the child in any matter pending in this state or to such person or persons as may be authorized by the court. Notwithstanding any other provision of law, exchange of medical or psychiatric records between the Philbrook center and the [New Hampshire hospital] **division** shall be permitted.

56 Term Deleted. Amend RSA 170-G:13, I to read as follows:

I. The management of the center and the admission[, and care[, and treatment] of children at the center pursuant to RSA 170-G:9, III.

57 Name Change. Amend the section heading of RSA 186-C:19-a and the introductory paragraph of RSA 186-C:19-a, I to read as follows:

186-C:19-a Educationally Handicapped Children at the Youth Development Center; the State Prison, and the [Philbrook] **Youth Services Center**.

I. For an educationally handicapped child at the youth development center or the state prison, or who is placed at the [Philbrook center] **youth services center maintained by the division for children and youth services** while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, the school district responsible for the development of an individualized education plan shall be as follows:

58 Name Change. Amend RSA 186-C:19-a, II to read as follows:

II. The school district liability for educational expenses for an educationally handicapped child in the youth development center or the state prison, or who is placed in the [Philbrook center] **youth services center** while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13, shall not exceed the state average elementary cost per pupil, as determined by the state board of education for the preceding school year.

59 Name Change. Amend RSA 186-C:19-b, I to read as follows:

I. As used in this section "children in placement for which the division for children and youth services has financial responsibility" means all children receiving special education or special education and educationally related services whose placements were made pursuant to RSA 169-B, 169-C or 169-D, except children at the youth development center and children placed at the [Philbrook center] **youth services center maintained by the division for children and youth services** while awaiting disposition of the court following arraignment pursuant to RSA 169-B:13.

60 Name Change. Amend RSA 186-C:20 to read as follows:

186-C:20 Special Education Program of the [Philbrook Center for Children and Youth] **Youth Services Center.**

I. Notwithstanding the provisions of any other law to the contrary, the expenses for an educationally handicapped child assigned to the special education program at the [Philbrook center for children and youth] **youth services center maintained by the division for children and youth services** shall be the responsibility of the school district so assigning the child. Such a school district shall pay the rate established for the special education program of the [Philbrook] center.

II. The special education program of the [Philbrook] center shall receive all the moneys paid under this section and is authorized to receive and expend such funds to operate the program. Such expenditures shall be subject to the approval of the legislative fiscal committee.

61 Transfer of Functions, Powers, Duties, Personnel, Records and Property.

I. All of the functions, powers and duties of the director of the division for children and youth services relative to the following purposes of the facility prior to the effective date of this action known as the Anna Philbrook center for children and youth are hereby transferred to and vested in the director of the division of mental health and developmental services: the care and treatment of children with mental illnesses pursuant to RSA 135-C and the evaluation, care, and treatment of children under RSA 169-B, 169-C, and 169-D, except children awaiting disposition of the court pursuant to RSA 169-B:14. The transfer shall include all of the personnel, books, papers, unexpended appropriations or other funds, actions or obligations formerly used for the administration and operation of the foregoing purposes of the Philbrook center.

II. Responsibility for the administration and operations of the following functions shall continue within the division for children and youth services:

(a) Receiving facility for the temporary detention of children who are awaiting disposition of the court pursuant to RSA 169-B:14;

(b) Educational services to children placed or admitted at the Philbrook center pursuant to RSA 135-C, 169-B, 169-C and 169-D; and

(c) Residential school for children determined to be educationally handicapped pursuant to RSA 186-C who may or may not also have been adjudicated pursuant to RSA 169-B, 169-C, or 169-D.

62 Transfer of Placements; Admissions. All children admitted, placed or ordered by a court to be admitted or placed at the Philbrook center as of the effective date of this section are hereby considered to be:

I. Admitted, placed or ordered to be admitted or placed at the Philbrook center as part of New Hampshire hospital, if admitted, placed or ordered to be admitted or placed pursuant to RSA 135-C, 169-B, 169-C, or 169-D, except for placements pursuant to RSA 169-B:14; or

II. Admitted to the youth services center operated and maintained by the division for children and youth services if placed for residential school services pursuant to RSA 186-C, 169-B, 169-C, or 169-D or placed pursuant to 169-B:14.

63 Discharge Requirements. The division of mental health and developmental services shall provide the division for children and youth services with notice and the opportunity to participate in discharge planning for any child for whom division for children and youth services has responsibility and who remains at the Philbrook center on the effective date of this section.

64 Reclassification of Positions. The following classified positions within the division for children and youth services are reclassified as follows:

(a) Position 18641, registered nurse III, labor grade 20 is reclassified to assistant director of nursing, labor grade 26.

(b) Position 11784, administrator I, labor grade 26, is reclassified to administrator III, labor grade 30.

65 Change from Division for Children and Youth Services to Mental Health and Developmental Services. Amend the following RSA provisions by replacing "division for children and youth services" with "division of mental health and developmental services": 169-B:20 and 169-C:16, III.

66 Repeal. RSA 170-G:10, I and III, relative to care and treatment of mentally ill children and evaluation of children at the Philbrook center, are repealed.

67 Contingency Provision. If both HB 1501-FN and HB 1174-FN of the 1990 legislative session become law, then RSA 126-A:45, I(a) and RSA 170-G:11 as inserted by HB 1174-FN shall not take effect.

68 Funds Lapsed. Notwithstanding any other provision of law, the following sums shall be transferred from the following funds to the general fund from the balances available in the following funds on or before June 30, 1990:

I. The sum of \$3,000,000 from the police standards and training fund, established in RSA 188-F:30.

II. The sum of \$1,000,000 from the escrow fund for court facility improvements, established in RSA 490:26-c.

69 Penalty Assessment Increased. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [15] **20** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be divided into the following components, to be designated as follows: [10] **15** percent for the police standards and training council training fund and 2 percent for the victims' assistance fund. The remaining 3 percent shall be collected by the clerk of the court for the benefit of the court modernization fund established under RSA 502-A:37.

70 Penalty Assessment. Amend RSA 188-F:31, I to read as follows:

I. Every court shall levy a penalty assessment of \$2 or [10] **15** percent, whichever is greater, on each fine or penalty imposed by the court for a criminal offense, including any fine or penalty for a violation of RSA title XXI or any municipal ordinance, except for a violation of a municipal ordinance relating to motor vehicles unlawfully left or parked. Such penalty assessment shall be designated for the police standards and training council training fund.

71 Business Profits Tax; Estimated Payments. Amend RSA 77-A:7, I to read as follows:

I. All business organizations required under RSA 77-A:6, II to make payments of estimated tax shall make such payments in installments as follows: [one quarter] **30 percent** is due and payable on the fifteenth day of the fourth month of the subsequent taxable year; [one quarter] **30 percent** is due and payable on the fifteenth day of the sixth month of the subsequent taxable year; [one quarter] **20 percent** is due and payable on the fifteenth day of the ninth month of the subsequent taxable year; and [one quarter] **20 percent** is due and payable on the fifteenth day of the twelfth month of the subsequent taxable year. If the return required RSA 77-A:6, I, shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, the commissioner shall refund such overpayment to the taxpayer or shall allow the taxpayer a credit against a subsequent payment or payment due, to the extent of the overpayment, at the taxpayer's option.

72 Rulemaking Added. Amend RSA 131:3-a, II to read as follows:

II. Analyses required by the Safe Drinking Water Act, including all of the annual inorganic, organic, radiological, and complete analyses for community public water systems, per source, per year \$475.00.

The commissioner of environmental services shall adopt rules under RSA 541-A to determine the actual cost of individual categories of tests within the above overall fee, and establish fees not exceeding 125 percent of such costs.

73 Underground Storage Facility Permit Fees. Amend RSA 146-C:4, II to read as follows:

II. The division shall issue or deny a permit to all facilities registered under RSA 146-C:3 within 90 days of the receipt of the complete registration information. A permit issued under this section shall be displayed on the premises of the underground storage facility at all times. Permits shall be valid for a period of 5 years, except as provided in paragraph III.

III. A permit fee of \$70 per year shall be paid to the division by the owner or operator of each permitted facility, except for facilities owned by state and local governments, including counties, and school districts, in the manner described below. All fees shall be deposited with the state treasurer as unrestricted revenue. Permit fees shall be calculated as follows:

(a) Facilities with existing permits in Hillsborough county shall have a permit expiration date of April 30, 1991. A fee of \$70 for 1990 shall be paid to the division on or before September 30, 1990.

(b) Facilities with existing permits in Merrimack and Belknap counties shall have a permit expiration date of April 30, 1992. A fee of \$140 for 1990 and 1991 shall be paid to the division on or before April 30, 1991.

(c) Facilities with existing permits in Rockingham county shall have a permit expiration date of April 30, 1993. A fee of \$210 for 1990 - 1992 shall be paid to the division on or before September 30, 1991.

(d) Facilities with existing permits in Coos, Carroll, and Grafton counties shall have a permit expiration date of April 30, 1994. A fee of \$280 for 1990 - 1993 shall be paid to the division on or before April 30, 1992.

(e) Facilities with existing permits in Cheshire, Sullivan, and Strafford counties shall have a permit expiration date of September 30, 1995. A fee of \$350 for 1990 - 1994 shall be paid to the division on or before September 30, 1993.

(f) For new facilities, the permit shall expire 5 years from the last day of the month in which the permit was issued. A fee of \$350 shall be paid upon submission of the permit application. If for any reason the permit is denied, the fee shall be returned or refunded.

(g) The fee for permit renewals shall be the same as the fee for new permits.

74 New Paragraph; New Underground Storage Facilities; Fee Required. Amend RSA 146-C:7 by inserting after paragraph I the following new paragraph:

I-a. Any person, except state and local governments, including counties, and school districts, submitting plans and specifications for a new facility shall pay to the division a fee of \$100. Such fee shall be for reviewing such plans and specifications and for making inspections during installation. The fees shall be deposited with the state treasurer as unrestricted revenues.

75 New Paragraph; Rulemaking. Amend RSA 146-C:9 by inserting after paragraph VIII the following new paragraph:

IX. Procedures for collection of fees under RSA 146-C:4, III.

76 Hazardous Waste Transporter Fee Increased. Amend RSA 147-A:6, II to read as follows:

II. A permit application fee of [~~\$100~~] **\$200 per year** plus [~~\$25~~] **\$50** for each vehicle listed in the application form, including trailers, flat beds, and barges, shall accompany each permit and permit renewal application. The division of waste management shall refund the individual vehicle fees if the application is denied.

77 Validity of Transporter Permits. Amend RSA 147-A:6, IV to read as follows:

IV. If the application is approved, a transporter permit shall be issued for one year; **except as otherwise provided in this paragraph until all permits are valid for 3 years**, subject to modification, suspension or revocation by the division of waste management[:].

(a) **Existing permit numbers TNH-0001 to 0046 shall be valid for 3 years, effective upon the effective date of this subparagraph.**

(b) **Existing permit numbers TNH-0047 to 0094 shall be valid for 3 years, effective one year from the effective date of this subparagraph.**

(c) **Existing permit numbers TNH-0095 to 0139 shall be valid for 3 years, effective 2 years from the effective date of this subparagraph.**

(d) **All new permits shall be valid for 3 years.**

78 Hazardous Waste Fee Increased; Cap Removed. Amend RSA 147-B:8, I to read as follows:

I. Every generator of hazardous waste located in this state who generates in a 3 month period 300 kilograms (661.5 pounds) or more of unrecycled hazardous waste shall pay a quarterly hazardous waste generator fee to the division of waste management. The quarterly fee on such waste shall be no more than [~~\$.04~~] **\$.066** per kilo-

gram ([\$.018] **\$.03** per pound). Every generator described in this paragraph shall pay a minimum fee of \$50 per quarter. [No generator shall be required to pay more than \$6,000 per quarter.]

79 Fee for Waste Management Training Course Increased. Amend RSA 149-M:10, III-a to read as follows:

III-a. No person shall operate or construct a public or private facility after [the effective date of this paragraph] **June 29, 1988**, who has not completed a training course established and administered by the division under rules adopted under RSA 541-A. The registration fee for such course shall not exceed [\$25] **\$50** per attendee.

80 New Paragraph; Liquor Commission; Administrative Fines Added. Amend RSA 178:13 by inserting after paragraph III the following new paragraph:

IV. The commission shall cause frequent inspections to be made of all the premises with respect to which any license has been issued under the provisions of this title. If any licensee violates any of the provisions of law or any of the rules of the commission adopted under this title or fails to superintend in person or through a manager approved by the commission the business for which the license was issued or allows the premises with respect to which the license was issued to be used for any unlawful, disorderly or immoral purposes or knowingly employs in the sale or distribution of liquor or beverages any person who has been convicted of a felony or otherwise fails to carry out in good faith the purposes of this title the license of such licensee may be suspended by the commission without hearing, and may be revoked after notice and hearing. Notwithstanding any other provisions of this chapter, the commission, in its discretion, may impose a fine of a specific sum, which shall not be less than \$100 nor more than \$5,000 for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

81 Resources and Economic Development; Fee Increases.

I. The division of parks and recreation shall increase parking meter fees at Hampton Beach to reflect parking fees of at least \$1 per hour. Such increased fees shall take effect 30 days after the effective date of this section.

II. The division of parks and recreation shall increase user fees and charges by an average of 25 percent. Such increased fees shall take effect April 1, 1990.

82 Dam Registration Fees Increased. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the division of water resources on [the anniversary of an existing registration] **March 1 of each calendar year**.

[In instances where a new registration is made, the anniversary fee shall be due on September 1 of each calendar year.] Failure to pay the registration fee shall be considered a violation of RSA 482:11. Yearly dam registration fees based on the following dam classification shall be as follows: Class AA = [\$10] **\$20**; Class A = [\$25] **\$50**; Class B = [\$100] **\$200**; Class C = [\$150] **\$300**. Revenues from this annual registration are to be collected by the division and [used to reduce and offset general fund expenditures for the dam safety section of the water resources bureau] **deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.**

83 Filing Fee Increased. Amend RSA 482:9, II to read as follows:

II. The filing of the statement required by paragraph I shall be accompanied by a filing fee of [\$25] **\$150** for each statement filed. The fee shall be deposited in the general fund as unrestricted revenue.

84 Permit Fees for Excavating and Dredging Permits. Amend RSA 482-A:3, I to read as follows:

I. No person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without a permit from the wetlands board. The permit application shall be sent to the wetlands board and shall be accompanied by a filing fee. The permit application fee shall be [\$25] **\$50** for minimum impact projects[, \$100 for minor projects, and \$300 for major projects]. **Fees for minor and major projects shall be assessed based on the area of dredge or fill proposed and the number of boat slips requested. The rates shall be \$100 per boat slip and \$0.025 per square foot.** At the time of filing with the wetlands board, said person shall also file 3 copies of the permit application, with a detailed plan, including a map showing the exact location of the proposed project with the town or city clerk. The town or city clerk shall immediately send a copy of the permit application to the selectmen, mayor or city manager, the municipal planning board, if any, and the municipal conservation commission, if any, and may require an administrative fee not to exceed \$2. The copies of the permit application shall be made reasonably accessible to the public.

85 Filing Fee Increased. Amend RSA 482-A:3, V(c) to read as follows:

(c) A [\$10] **\$25** filing fee shall accompany the notice to the wetlands board. Such fees shall be held in accordance with paragraph III.

86 Prequalification Fees for Licensed Engineers Required. Amend RSA 485-A:4, XIII to read as follows:

XIII. To establish rules governing the prequalification of consulting engineers employed in the planning and construction of pub-

lic water supply and pollution control projects. **Any licensed engineering firm seeking initial prequalification shall pay to the division a fee of \$200. Prequalification shall be renewed annually and shall be accompanied by a \$50 renewal fee. These fees shall be deposited with the state treasurer as unrestricted revenue.** The division is further empowered to prescribe the contract award procedures to be followed in the awarding of construction contracts involving state financial assistance.

87 New Paragraphs; Fee Required for Permit to Discharge Additional Sewage or Industrial Wastes and for Pretreatment of Industrial Wastes. Amend RSA 485-A:4 by inserting after paragraph IX-a the following new paragraphs:

IX-b. Any person submitting a request to the division, not accompanied by plans and specifications, for a permit to discharge additional sewage or industrial wastes to a municipal sewer system shall pay to the division a fee of \$50. The request, accompanied by the fee, shall be submitted through, and approved by, the affected municipality. This fee shall not apply to municipalities, counties, state agencies, or school districts. These fees shall be deposited with the state treasurer as unrestricted revenue.

IX-c. Any person submitting plans and specifications to the division for the construction or installation of facilities for the pretreatment of industrial wastes shall pay to the division a permit fee of \$1,000. The discharge permit request, accompanied by the plans and specifications and the fee, shall be submitted through and approved by the affected municipality. This fee shall not apply to municipalities, state agencies, or school districts. These fees shall be deposited with the state treasurer as unrestricted revenue.

88 New Subdivision; Wastewater Treatment Plant Operator Certification. Amend RSA 485-A by inserting after section 7 the following new subdivision:

Wastewater Operator Certification

485-A:7-a Application.

I. Any operator, except state and local governments, including counties, and school districts, of a wastewater treatment plant seeking certification or to increase his level of certification shall file an application with the certification committee at least 6 weeks prior to the next examination date on a form provided by the division.

II. All applications shall be accompanied by a \$50 fee to cover division expenses for conducting the certification program. All fees shall be deposited with the state treasurer as unrestricted revenue.

III. Any applicant failing the examination shall be allowed one retest at the same certification level at no additional cost to the applicant.

485-A:7-b Examinations. The division shall prepare written examinations to determine the knowledge, ability, and judgment of operators. Such examinations shall be administered in accordance with rules adopted by the division pursuant to RSA 485-A:6.

485-A:7-c Issuance of Certificates.

I. Upon satisfactory completion by an applicant of the established requirements, the division shall issue to the applicant a suitable certificate designating the applicant's competency. The certificate shall indicate the level of operation for which the operator is qualified. The certificate shall remain in effect for 2 years from the date of issuance.

II. Certificates shall be renewed biennially and shall be accompanied by a \$50 renewal fee, which shall be deposited pursuant to RSA 485-A:7-a, II.

III. Certificates may be issued, upon payment of the \$50 fee, without examination, for a comparable classification to any person actively seeking employment in New Hampshire who holds a certificate issued by the appropriate certification agency of any federal, state, interstate, territorial, or other jurisdiction if, in the judgment of the committee, the certification requirements of the jurisdiction granting such certification do not conflict with the division's rules and are not less stringent than rules adopted under this subdivision. The fee shall be deposited pursuant to RSA 485-A:7-a, II.

485-A:7-d Revocation. The division may suspend or revoke the certificate of an operator under rules adopted pursuant to RSA 485-A:6.

89 Fee Required; Swimming Pools and Bathing Places. Amend RSA 485-A:26 to read as follows:

485-A:26 Swimming Pools and Bathing Places. No person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as a part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. **A fee of \$100 shall be paid to the division upon submission of such plans for review. Fees collected under this section shall be deposited with the state treasurer as unrestricted revenue.** The division shall adopt rules relative to safety standards to protect persons using said facilities. Nothing in this section shall be deemed to affect the powers of local health officers or the division of public health services, department of health and human services, with respect to nuisances.

90 New Section; Groundwater Permit Fee. Amend RSA 485-A by inserting after section 13 the following new section:

485-A:13-a Groundwater Permit Fee. Any person, except for state, and local governments, including counties, and political subdivi-

sions, issued a groundwater permit under RSA 485-A:13, I(a) shall pay to the division a fee of \$1,000 for the 5-year permit. Said fee shall be for processing such permits, including any necessary inspections and monitoring performed by the division in enforcing the terms and conditions of such permits. The fees shall be deposited with the state treasurer as unrestricted revenue.

91 New Paragraph; Increased Fees. Amend RSA 293-A:134, II and III to read as follows:

II. A fee of [\$75] **\$100** for filing an annual report of a domestic or foreign corporation; and

III. **Except as provided in paragraph IV**, a fee of \$15 for filing any other articles, statement, application, document, or report, of a domestic or foreign corporation.

IV. A fee of \$25 for registering or renewing a corporate name under RSA 293-A:10 or 293-A:11.

92 Fees Increased. Amend RSA 293-A:138 to read as follows:

293-A:138 Franchise Fees Payable by Domestic Corporations. For the privilege of continuing its corporate franchise, every domestic corporation shall pay annually to the secretary of state, at the time of making its annual return, a franchise fee equal to the license fee paid upon filing its original articles of incorporation plus an amount equal to any additional license fees for increases in its authorized capital stock, if any. In case the authorized capital stock is reduced, the annual franchise fee shall be equal to the amount which would have been required for the original license fee of a corporation capitalized at the amount as reduced. In no case, however, shall the annual franchise fee be more than \$2,000 or less than [\$60] **\$100**; and it shall not be required of any corporation which on April 1 of any year shall not have been incorporated more than 6 months.

93 Fees Increased. Amend RSA 293-A:139 to read as follows:

293-A:139 Franchise Fees Payable by Foreign Corporations. For the privilege of continuing to exercise its authority to transact business in this state, every foreign corporation authorized to transact business in this state shall pay annually to the secretary of state, at the time of making its annual return, a franchise fee of [\$200] **\$300**. In no case, however, shall the annual franchise fee be required of any such corporation which on April 1 of any year shall not have been registered to transact business in the state for 6 months.

94 Statement of Policy. The general court recognizes that the state of New Hampshire undertakes considerable expenditures for the management of solid waste disposal within its borders and further recognizes that a substantial portion of the solid waste being disposed of in New Hampshire originates in jurisdictions other than New Hampshire. Therefore, the general court hereby determines that it is appropriate that persons disposing of solid waste in New

Hampshire that is generated out-of-state contribute their fair share to the cost of the state's management of the disposal of solid waste within New Hampshire.

95 New Paragraph; Definition Added. Amend RSA 149-M:1 by inserting after paragraph XI the following new paragraph:

XI-a. "Out-of-state solid waste" means solid waste generated or originating outside the borders of the state, but not including solid waste generated or originating from communities participating in cooperative agreements authorized by RSA 53-D.

96 New Paragraph; Surcharge for Out-of-State Solid Waste. Amend RSA 149-M:3 by inserting after paragraph IV-a the following new paragraph:

IV-b. Assess a surcharge in the amount of \$1 per ton on the disposal of out-of-state solid waste, which shall be assessed against the person transporting the out-of-state solid waste to the facility and not assessed against the facility. The surcharge shall be assessed and collected only with respect to the first point of disposal, processing, or treatment within this state. The proceeds shall be used by the division to reduce and offset general fund expenditures for solid waste management.

97 New Subparagraph; Rulemaking Added. Amend RSA 149-M:8, IV(h) to read as follows:

(h) Establish minimum standards for closing all solid waste facilities according to type of waste disposed of, and establish state closure guidelines for all facility owners and operators which shall include, but not be limited to, monitoring, restoration, and correction and compliance procedures which may be necessary in the maintenance of a closed landfill facility[.];

(i) Administration of and standards for the assessment and collection of the out-of-state solid waste surcharge pursuant to RSA 149-M:3, IV-b.

98 New Subparagraph; Definition Added. Amend RSA 146-A:11-b, I by inserting after subparagraph (c) the following new subparagraph:

(d) "Sale" means the first transfer of ownership or, in a case where there is no transfer of ownership, the use of oil in this state.

99 Fee at Time of Sale. RSA 146-A:11-b, II is repealed and reenacted to read as follows:

II. Any operator, distributor, dealer, or broker who or any wholesale terminal facility which imports or causes to be imported oil into the state, except those using oil pipelines, railroads, and highways to transport oil products between states other than New Hampshire or for international transport of oil products, shall be licensed under this chapter. The annual fee for the license shall be \$.025 per barrel of oil which shall be assessed at the time of sale. The fee shall be paid

monthly by the licensee to the department of safety and then deposited by the department of safety into the oil pollution control fund administered by the division of water supply and pollution control. Imposition of the fee shall be based on the records of the licensee and certified as accurate to the department of safety. The fee set in this paragraph shall not apply to 25 barrels of oil or less, when the oil is packaged in individual containers of less than one barrel.

100 New Paragraph; Definition Added. Amend RSA 146-D:2 by inserting after paragraph III the following new paragraph:

IV. "Sale" means a transfer of ownership where a final determination is made that the petroleum product to be sold is to be used as oil or a final transfer of ownership of oil from a licensee to a person who is not a licensee.

101 Fee for Oil Discharge and Disposal Cleanup Fund. RSA 146-D:3, II is repealed and reenacted to read as follows:

II. Any distributor or any person who buys oil from a distributor without paying the fee required by this subparagraph at the time of such purchase shall be licensed with the department of safety. A fee of \$.006 per gallon of oil shall be assessed at the time of sale in this state. This fee shall be in addition to any road toll paid pursuant to RSA 260:32, and shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. If the fund's balance becomes greater than \$10,000,000, the fund assessment fees provided for in this subdivision shall be discontinued and only reestablished when the fund's balance is less than \$5,000,000. Any distributor who imports or any licensee who buys home heating oil which is subsequently sold as diesel fuel for the propulsion of motor vehicles, shall report the fuel as required in RSA 146-D:3, III. Any person purchasing home heating oil for diesel use and not declaring this intent to the distributor or licensee at the time of purchase shall be liable in the same manner as the distributor or licensee would be.

102 New Paragraph; Fee Required. Amend RSA 146-D:3 by inserting after paragraph IV the following new paragraph:

V. No person licensed under this section shall sell oil in this state without collecting the fee required by this section unless such sale is made to a person licensed under this section by the department of safety.

103 Fees Increased. Amend RSA 236:72, I, II and III to read as follows:

I. For sign faces of 50 square feet or less, [\$10] \$50.

II. For sign faces of more than 50 square feet but less than 350 square feet, [\$20] \$75.

III. For sign faces of 350 square feet or more, [\$40] \$100.

All fees collected hereunder shall be deposited in the highway fund.

104 Repeal. 1989, 408:104, relative to an appropriation to the pari-mutuel commission, is repealed.

105 Increasing Certain Motor Vehicle Fees; Fifty Percent Deposited into General Fund. Amend RSA 261:20 to read as follows:

261:20 Fees.

I. The department shall be paid the following fees:

(a) For filing an application for a first certificate of title, with or without a lienholder named, [\$10] **\$20**;

(b) For a certificate of title after a transfer, with or without a lienholder named, [\$10] **\$20**;

(c) For a duplicate certificate of title, [\$10] **\$20**;

(d) For an ordinary certificate of title issued upon surrender of a distinctive certificate, [\$10] **\$20**;

(e) For filing a notice of security interest, [\$10] **\$20**;

(f) For a certificate of search of the records of the division, for each name or identification number searched against, [\$10] **\$20**;

(g) For filing an assignment of security interest, [\$1] **\$2**;

(h) For issuing a distinctive New Hampshire number in place of a vehicle identification number, [\$15] **\$30**.

II. If an application, certificate of title or other document required to be mailed or delivered to the department under any provision of this chapter is not delivered to the department within 20 days from the time it is required to be mailed or delivered, the department shall collect, as a penalty, an amount equal to the fee required for the transaction.

III. No fee shall be charged for a certificate of title to a motor vehicle owned by a veteran who is either an amputee or blind as a result of a service connected disability as certified by the Veterans Administration.

IV. Notwithstanding any other provision of law, 50 percent of the fees collected under this section shall be deposited as unrestricted revenue in the general fund and 50 percent shall be deposited in the highway fund.

106 Effective Date.

I. Sections 42-67 of this act shall take effect March 9, 1990.

II. Section 70 of this act shall take effect July 1, 1994, at 12:01 a.m.

III. Section 71 of this act shall take effect April 1, 1990.

IV. Sections 98-102 of this act shall take effect July 1, 1990.

V. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes various adjustments in state revenues and expenditures. Some of the changes include:

1. Requiring the sale of a liquor store in Nashua.
2. Lapsing balances of various accounts and extending a lapse date.
3. Appropriating funds to reimburse the highway surplus account for restoration of the Cornish-Windsor Bridge.
4. Provisions relating to supplemental funding for out-of-state travel.
5. Repealing appropriations for salary increases and benefits made in 1989, 419.
6. Increasing tuition at the technical colleges and the technical institute.
7. Transferring the bureau of marine services from the office of the commissioner of the department of resources and economic development to the division of parks and recreation.
8. Appropriating funds to change the heads on the meters at Hampton beach.
9. Raising certain fees.
10. Establishing certain programs to allow tax-free state employee withholding for day care expenses and medical expenses.

This bill establishes and increases certain license and permit fees relating to facilities, agencies and businesses.

The bill establishes a certification system for wastewater treatment plant operators, to be administered by the division of water supply and pollution control.

The bill imposes a surcharge of \$1 per ton on out-of-state solid waste which is being disposed of in New Hampshire.

This bill reorganizes the administration of services provided by the Anna Philbrook center for children and youth. Inpatient psychiatric services provided to children and youth shall be administered by the division of mental health and developmental services, department of health and human services. The center name under this new administration shall be the Anna Philbrook center.

The division for children and youth services, department of health and human services shall retain administration of services provided to children and youth for (1) temporary detention of children who are awaiting disposition by the court; (2) educational services to children placed or admitted at the Anna Philbrook center; and (3) the residential school for educationally handicapped children. The center where such services are offered shall be named the "youth services center."

The bill provides a transitional provision for those children and youth affected by the change in administration, in addition to provisions for administrative transfer of functions and the reclassification of certain personnel.

The bill increases certain motor vehicle fees and provides that 50 percent of such fees shall be deposited in the general fund rather than the highway fund.

Amendment adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: In going through this legislation this morning, we discovered a problem in section 88 and as a result of that and the fact that there is another piece of legislation that is going to be before this body dealing with the same issue, this amendment merely takes out section 88. That is the only change.

Floor Amendment to HB 1501-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state revenues and expenditures and relative to certain general fund fees and revenues.

Amend the bill by deleting section 88 and renumbering sections 89-106 to read as 88-105, respectively.

Amend the bill by replacing section 105 with the following:
105 Effective Date.

I. Sections 42-67 of this act shall take effect March 9, 1990.

II. Section 70 of this act shall take effect July 1, 1994, at 12:01 a.m.

III. Section 71 of this act shall take effect April 1, 1990.

IV. Sections 97-101 of this act shall take effect July 1, 1990.

V. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes various adjustments in state revenues and expenditures. Some of the changes include:

1. Requiring the sale of a liquor store in Nashua.
2. Lapsing balances of various accounts and extending a lapse date.
3. Appropriating funds to reimburse the highway surplus account for restoration of the Cornish-Windsor Bridge.
4. Provisions relating to supplemental funding for out-of-state travel.
5. Repealing appropriations for salary increases and benefits made in 1989, 419.
6. Increasing tuition at the technical colleges and the technical institute.

7. Transferring the bureau of marine services from the office of the commissioner of the department of resources and economic development to the division of parks and recreation.

8. Appropriating funds to change the heads on the meters at Hampton beach.

9. Raising certain fees.

10. Establishing certain programs to allow tax-free state employee withholding for day care expenses and medical expenses.

This bill establishes and increases certain license and permit fees relating to facilities, agencies and businesses.

The bill imposes a surcharge of \$1 per ton on out-of-state solid waste which is being disposed of in New Hampshire.

This bill reorganizes the administration of services provided by the Anna Philbrook center for children and youth. Inpatient psychiatric services provided to children and youth shall be administered by the division of mental health and developmental services, department of health and human services. The center name under this new administration shall be the Anna Philbrook center.

The division for children and youth services, department of health and human services shall retain administration of services provided to children and youth for (1) temporary detention of children who are awaiting disposition by the court; (2) educational services to children placed or admitted at the Anna Philbrook center; and (3) the residential school for educationally handicapped children. The center where such services are offered shall be named the "youth services center."

The bill provides a transitional provision for those children and youth affected by the change in administration, in addition to provisions for administrative transfer of functions and the reclassification of certain personnel.

The bill increases certain motor vehicle fees and provides that 50 percent of such fees shall be deposited in the general fund rather than the highway fund.

Amendment adopted. Ordered to Third Reading.

Senators Stephen, King and Heath wished to be recorded as opposed to the motion.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put HB 1501-FN-A on Third Reading and Final Passage, and that the title be the same as adopted and that it be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration on **HB 1501-FN-A**.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1501-FN-A, relative to state revenues and expenditures and relative to certain general fund fees and revenues.

COMMITTEE REPORT

HB 1502-FN-A, increasing the beer tax.

Ought to Pass with Amendment. Senator McLane for the committee.

SENATOR MCLANE: This tax is raised from 30 cents to 35 cents a gallon. The amendment makes this a sunset tax and so that it would last until June 30, 1991. This is part of the price we are going to pay for a budget that has services that all of us need. Joe Sixpack is going to pay his share even though Senator Stephen referred to him as Joe Fourpack. This would still leave us competitive, 90 percent of our sales come from Massachusetts, and this increase would still leave us in a very competitive position with that state.

Amendment to HB 1502-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

to increase the beer tax for the biennium ending June 30, 1991.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Tax for Biennium Ending June 30, 1991. Notwithstanding the provisions of RSA 181:17, I and RSA 181:18, I, for the period beginning April 1, 1990, and ending June 30, 1991, the following fees shall be imposed under RSA 181:17, I and RSA 181:18, I, respectively, for permits issued to wholesalers and manufactures:

I. In addition to the fees provided for in RSA 181:16 the following fees shall be required for permits issued to wholesalers: For each wholesaler's permit \$.35 for every gallon of beverages sold for resale by the permittee during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month; provided, however, that in the event beverage container mandatory deposit legislation is enacted, said fees shall revert to \$.23 per gallon

as of the effective date of said legislation. For the purpose of computing the fee payable under the provisions hereof all sales at retail by a wholesale permittee holding an off-sale permit shall be deemed to be sales for resale. Any wholesale permittee shall collect from on-sale and off-sale permittees to whom he makes sales of beverages the fees required under the preceding provisions hereof. For failure to pay any part of the fees provided for herein when due, 10 percent thereof shall be added and collected by the state liquor commission from the wholesaler.

II. In addition to the fees provided for in RSA 181:16, the following fees shall be required for permits issued to any manufacturer: For each manufacturer's permit, \$.35 for every gallon of beverages sold by said permittee to retail permittee at retail and not to other permittees for resale during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month. In addition to the foregoing fees, the following fees shall be required for permits issued to any manufacturer holding an off-sale permit: For each manufacturer's permit, \$.35 for every gallon of beverages sold by said permittee at retail and not to other permittees for resale during the preceding calendar month, to be paid to the commission on or before the tenth day of the following month; provided, however, that in the event beverage container mandatory deposit legislation is enacted, the fees imposed under this section shall revert to \$.23 per gallon as of the effective date of said legislation. For failure to pay any part of the fees provided for herein when due, 10 percent thereof shall be added and collected by the state liquor commission from the manufacturer.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the tax paid by wholesalers and manufactures on the sale of beer from \$.30 to \$.35 for the period beginning April 1, 1990, and ending June 30, 1991.

Amendment adopted. Ordered to Third Reading.

Senators Heath, Stephen, Roberge and King wished to be recorded as opposed to the motion.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put HB 1502-FN-A on Third Reading and Final Passage, that the title be the same as adopted and that it be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration on **HB 1502-FN-A**.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1502-FN-A, to increase the beer tax for the biennium ending June 30, 1991.

COMMITTEE REPORT

HB 1505-FN, relative to motor vehicle road tolls and fees and a gasoline floor tax.

Ought to Pass with Amendment. Senator Torr for the committee.

SENATOR TORR: 1505 raises the road toll on motor fuel from 14 cents a gallon to 16 cents a gallon. That 2 cents per gallon translates into roughly \$11 million. It also reduces the user decal from \$20 to \$5.00. And that translates in \$1.6 million. You have an amendment found on page 23 of the calendar which also assesses a tax on jet fuel which translates into roughly \$200,000.

Amendment to HB 1505-FN

Amend the bill by replacing section 5 with the following:

5 Other Aviation Fuels. Amend RSA 422 by inserting after section 39 the following new section:

422:39-a Airways Toll on Other Aviation Fuels. There is hereby imposed an airways toll of \$.02 per gallon on the sale of each gallon of aviation jet fuel sold and used in the propulsion of aircraft. All aircraft, however, that are certified to operate under part 121 of the rules and regulations of the Federal Aviation Administration shall pay an airways toll of \$.005 per gallon on aviation jet fuel sold and used in the propulsion of aircraft. The provisions of RSA 422:39 shall apply.

6 Emergency Rules. Notwithstanding RSA 541-A:3-g, the commissioner of the department of safety may adopt emergency rules under RSA 541-A for the collection of the toll imposed under RSA 422:39-a.

7 Effective Date. This act shall take effect April 1, 1990.

AMENDED ANALYSIS

This bill raises the road toll imposed upon the sale of each gallon of motor fuel sold by New Hampshire fuel distributors from \$.14 to \$.16 per gallon on July 1, 1990.

The road toll on fuel other than motor fuel would be comparably increased under RSA 260:52, I.

The bill decreases license fees for certain vehicles which transport hazardous material or waste in such quantity and under such conditions that the vehicle is subject to the Code of Federal Regulations or the rules of the division of waste management, department of environmental services and also decreases license fees for users of vehicles propelled by fuel other than motor fuel.

The bill levies a gasoline floor tax on distributors, wholesalers and retailers.

An airways toll of \$.02 per gallon is imposed on each gallon of aviation jet fuel, provided that certain federally regulated aircraft pay a \$.005 per gallon tax.

Amendment adopted. Ordered to Third Reading.

Senators Heath, Roberge and Stephen wished to be recorded as opposed to the motion.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put HB 1505-FN on Third Reading and Final Passage, that the title be the same as adopted and that the bill be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration on **HB 1505-FN**.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1505-FN, relative to motor vehicle road tolls and fees and a gasoline floor tax.

COMMITTEE REPORT

HB 1038-FN-A, relative to revenue raising measures and certain appropriations.

Ought to Pass. Senator Torr for the committee.

SENATOR TORR: HB 1038 raises the rooms and meals tax from 7 percent to 8 percent. That one percent translates to \$14 million. In addition to that, there is a \$1 million appropriation for promotions.

SENATOR DISNARD: I met this week with three small restaurant owners in my area. I would like to give the sad story of one restaurant owner. I asked him if my wife and I went to his house and had a little relaxation before our meal and we each had a meal, dessert and

coffee would that mean that other people wouldn't come because of an additional fifty cents. And he called to my attention something which I have to give serious thought to. The first seventeen percent of his business goes to pay his mortgage, now we want to address the telephone tax for him, we are going to address a beer tax for him. He thinks his electrical bill is going to go up 5 and a half percent, and let's face it, we know he is low. His liquor license is going to be double. I think it was doubled last July. I don't think, in all fairness to these types of individuals, that I can vote for a one percent, maybe less I could consider, increase. When I talked to the gentleman, I said, "Well, just pass it on." He looked at me like I didn't know what I was talking about. And it turned out I didn't, because he loses a certain type of clientele with each of these increases. The wife is in a family way, which has nothing to do with our taxes, but now he has to go out and hire someone to replace her. I think it is about time that we began to think about some of these types of individuals and really consider if a one percent increase is realistic.

SENATOR KRASKER: I, too, am going to oppose this added tax on the rooms and meals. We always prided ourselves on the Seacoast as being the restaurant center of New Hampshire. In the last year, eight restaurants have closed their doors. Many others are struggling to stay open. The restaurant owners, the motel owners, who have called me say they are just barely making it. They have urged me to tell you that they just can't take an increase. And so I am going to oppose this.

SENATOR NELSON: Senator Torr, would you just address the fact that this bill makes a supplemental appropriation to Cannon Mountain for marketing. And is the money coming from the rooms and meals tax put in this bill and then given to Cannon Mountain marketing?

SENATOR TORR: That is right. It is coming from rooms and meals. One portion of it, \$75,000 is going to Cannon and \$75,000 is going to Sunapee. The remaining \$850,000 will go back to the Office of Vacation Travel.

SENATOR NELSON: What is the income that we are getting from Cannon Mountain, now? Is this going to greatly enhance the amount of money that we are getting from them?

SENATOR TORR: It is the philosophy that, in fact, those people that come to the ski area will be eating and lodging within the State of New Hampshire, therefore they will be generating that money.

SENATOR NELSON: This says Cannon promotion marketing. So this is \$75,000 for a marketing program so that we will get on the radios and televisions and sell this program to the rest of the world. Is that what this means?

SENATOR TORR: That is in addition to what is already appropriated. There has been an appropriation in the operating budget for marketing, this ups that by \$75,000.

SENATOR NELSON: What is the amount of money that is in the budget for marketing and we are now increasing by \$75,000?

SENATOR TORR: I would have to check on that, Senator Nelson, but I could check on it and give you a very definitive answer.

SENATOR HEATH: I rise in opposition to this. I have opposed all of these increases and I will not give you a speech on each new tax and each increase and so on. I don't think, as you all know, that this is the way to resolve our problem. Every dollar you throw at the government this year, is going to be two dollars in need next year. But this is particularly odious, and particularly in my district. There is no business in New Hampshire that has a higher rate of failure of the traditional businesses in New Hampshire than the restaurant business. And this will push people over the edge. My district lies along the border of Maine. It makes them non-competitive there. There is another district that lies along the border of Vermont and some along Massachusetts, and in this area, we are higher than all of those people. But it particularly galls me to see that some of this money is going back to support a skiing area that competes with people who are paying the business profits tax and in some instances are directly competing with these people who are getting taxed with this. To take some of this money and throw it at the competition. The State has no business running two ski areas that will never, as long as you and I live, pay back the capitalization costs. They consider it a great year if they come close to operating costs balancing their intake. And they undersell the other privately operated ski areas of which we tax. And here we are taking some more money from people who are experiencing a down turn in their business and throwing it at subsidized skiing for the yuppies coming up here from Massachusetts in their BMWs. I hope that you can explain that to the working people of this State, because I don't have to.

SENATOR KING: Senator Heath, have you been contacted by businesses in your area who have said that they have booked in advance thousands of dollars worth of business that they are going to have to eat the tax on?

SENATOR HEATH: I have.

SENATOR KING: Would you agree that this is an extraordinary burden for us to be placing on businesses that are already living on the edge, many of them?

SENATOR HEATH: I certainly would. I have seen restaurants close in my area in the last few weeks and I suspect that this, for those that may have survived to this point, may put some of those over the edge. That makes it quite a burden.

SENATOR DUPONT: I probably should have given this speech before we started today, and I probably am a little remiss in not doing so. I stand because I think there are a lot of difficult choices before this body today, Mr. President. I think we would all like the luxury of standing here today to be here to lower taxes rather than raising taxes. The choice that the Senate has today is to pass a balanced budget and unfortunately in doing so, we have a number of tax programs in front of us to help balance that budget. This is a day that has a lot of difficult choices for the Senate, but the main thing you ought to focus on is what you are doing today is giving the State the ability to pay its bills, which I think is critical. I think there is nobody on Senate Finance more than myself who probably has stood in the past sessions of this Senate and rallied against raising taxes. But I have come to the realization today that we have a State budget that I think is for the most part is as lean as we can make it. It is for the most part a program that addresses needs and not the wants of everyone in this body. I have a lot of compassion for all the people who are going to be impacted by what we do here today. But, unfortunately, I don't believe there are many choices on the table, and I am sorry to have to make this speech, but I think it is a realistic summation of where we are right now. I will at the end of this session applaud the Senate for its courage in being able to come to grips with the problems that the State of New Hampshire has. I say courage because I think it takes a lot of political courage to stand here today and raise taxes and cut spending. But more importantly, I think we are here today to solve a problem and would hope that the members would focus on that.

SENATOR NELSON: Senator Dupont, do you know the original appropriation in the budget for Cannon marketing program?

SENATOR DUPONT: I believe it is \$200,000 each year. I could also go a little bit further on that. Last summer, I was on study committee that was specifically charged with making a decision or a recommendation as to what we were going to do with these two ski areas.

Because I think many people in this body and in the House have serious reservations about whether New Hampshire should be in the ski business. As a result of that study committee's work, we made a decision that we would during the next three years try to take these two ski areas and make them into what people perceive they ought to be, that is good recreational State areas. Not the condo projects and the villages that you find at other ski areas, but a place where the day skier can go and enjoy a day of good skiing. On top of that, many of the issues that Senator Heath raised earlier about making sure that we cover our capital costs and making sure that they are run in an efficient manner and that they are priced competitively with the other areas. We hired, not only a director of ski operations but a marketing person. If you are going to get these ski areas to pay for themselves, you have got to let people know that they are there. On the basis of that, we had a very good year this year, and I support letting them go out today and sell what I think is better skiing than what we have had in the past as a result of the work that has been done in these two areas.

SENATOR NELSON: I really am somewhat reticent to ask the question, Senator Dupont, but you have always been most kind and gracious in answering everything that I have asked. What I am trying to understand is that we are asking the businesses of this State, some of whom in the Nashua area, are suffering terribly, to fund part of the marketing program for Cannon Mountain?

SENATOR DUPONT: Senator, we are not. What we are asking citizens of New Hampshire and citizens of other states that come in here and buy a hamburger that a percentage of the increase in that tax goes to fund the marketing efforts. I would just add one other thing. When we did this study committee, many of the operators of the ski areas contacted us. They didn't say sell Cannon. They didn't say sell Sunapee. What they said is if you are going to be in the ski business, run it like a ski area. That is what we are attempting to do. If any of you turn the radio on in the morning and hear WBZ, you hear advertising for ski areas. If we are going to make these agencies profitable, we have got to market them. That is part of the big picture.

SENATOR HEATH: Senator, I don't ask this to embarrass you, because I know no one has had tougher decisions and compromises that he has had to make today on this floor. But I do want to know what your rationale is to say if we are going to be in that business, why should we be in that business?

SENATOR DUPONT: Well, I think Senator the original reason why the State acquired ski areas was probably to provide something to New Hampshire residents. I think we have expanded it beyond that I will agree. However, one of the things that this committee did decide is "All right, we are going to try to straighten these areas out, and at the end of three years, if they are not performing the way that we want then the next step is to either lease them or to sell them."

SENATOR MCLANE: I have skied at Cannon Mountain for 50 years. I think you are right. This year is the best skiing they have had. Isn't it true that when the package was presented with the approval of the other ski areas surrounding it, Loon Mountain and Waterville, were very supportive. What they said was that in order to make money in a ski area you have to have snow making, and you have to have advertising. This really isn't money that is being any more than invested. That people can really say that it is being invested and will come back to the State as a whole.

SENATOR DUPONT: Senator, that is true. And the State has never had a plan for dealing with these areas. It has always been done on a piece meal basis. The years when the State has money, they would expand snow making without expanding lift capacity, and there has never been a balance. One of the biggest critics of the State being in the ski industry was John Burrell of King Ridge and after working with John for six or seven months on this committee, I believe he firmly believes that State ought to be in the ski business and in fact today is running these two operations. So we have brought somebody in who at the start of this whole process was the critic that basically was leading the charge to make some changes. I am confident that we have brought somebody in who can address the problems of these two areas.

SENATOR KING: Two weeks ago a gentleman waltzed into one of the hotels up into the North Country and walked up to the front desk and said to them how much is it for a night here? The hotel owner said \$50.00. He said well I know you folks are hurting so I'll give you \$30.00. This is a major hotel in the North Country. If that isn't an indication of the problems that businesses in my district are having, I don't know what is. We are going to, with this additional tax, make it even more difficult for businesses that are struggling to hold on in New Hampshire that are in the tourism business and the restaurant business, you name it. We are going to make it harder for them in the name of raising additional revenues for the State of New Hampshire. Well, it is my feeling that we are going to see a lot of these businesses not succeed and therefore not raise the additional

revenue that we are looking too. In fact, it will have a detrimental effect on the revenues that we are trying to raise in the State of New Hampshire. I am going to oppose this tax and I am going to encourage everybody else to do the same.

SENATOR CHARBONNEAU: Senator King, on a hundred dollar room how much does one more percent amount to?

SENATOR KING: It amounts to a dollar more, however, Senator Charbonneau, let me remind you that there are several corporations in my district that have contracts with bus companies, that have contracts with major corporations in New York and in other places that amount to literally tens of thousands of dollars. Now if those corporations have to eat that extra percent, because they are not going to go back to Wang who may be coming up with \$80,000 for a contract and say, "Gee, we're sorry but the Senate and the House of Representatives raised the tax, so we need to come back to you for more money." The Wangs and the Digitals and everyone are going to tell them to take a walk. So we are putting them in the situation where already they are holding on by their fingertips and they are going to have to come up with that extra percent just in order to hold on to that contract.

SENATOR CHARBONNEAU: Do you really believe that for a \$50.00 room that fifty cents is going make a difference? I don't.

SENATOR TORR: I would like to bring out one point as far as the promotion is concerned. This is sort of an agreed upon situation. Originally, it was just for the one percent tax. As a caveat, the small business owners, any one dealing with rooms and meals opted to have this provision put in here whereby they would gain a million dollars to use. It has been said that for every dollar expended, a conservative figure is that it will generate five dollars. It could go up to ten or fifteen dollars, but conservatively it will generate five dollars. To answer Senator Nelson's question, in the 1990-91 budget 4 million dollars was appropriated for the Office of Tourism and Vacation Travel. I would like to stress the point that it may indicate \$75,000 going to promote marketing at Cannon and Sunapee but that hits a broader perspective than just Cannon and Sunapee. Because once they are in the State, money is spent in other areas.

SENATOR KING: Senator Torr, you have brought up a good point in terms of the amount of money that is generated by an investment made in tourism promotion. While I have some concerns about us actually putting money into Cannon and Sunapee, rather than general tourism promotion altogether, I think that that was a nice bone

for us to throw to the tourist and vacation industry. However, why, given the fact for every dollar that we expend in promotion we are likely to get between \$5.00 and \$10 additional revenues to the State, did we not just make an additional investment in promotion relative to raising the amount of money that we need to raise instead of taxing the businesses?

SENATOR TORR: Senator, you need the money in the first place to opt to give that promotion. If you don't have the money, you don't have it to give for promotion.

Recess.

Out of Recess.

Senator Dupont in the Chair.

SENATOR BARTLETT: I was hoping today that I wouldn't have to take the floor, but I heard all the good arguments regarding this piece of tax. Over the last five weeks, I have seen everybody in this body talk about a specific thing that they wanted taken care of. In this budget, as amended, I don't think there is one person here that doesn't have an item that is near and dear to their own philosophy of life. Stop and think about that. We are going to deal with 1500-A before this day is over. If you decide that you want to posture yourself and vote against the tax that is worth 13 million dollars or 2.5 million dollars, this budget has got approximately \$500,000 that is going to be eaten up by specials. So my suggestion is that each one of you who decides that they don't want to vote on a tax, then be prepared to which one of those items that you have out there that you would like to have taken care of. Senator King, I refer to you, we'll take it out of municipal. You have been very judiciously protecting municipal and so have I. If I go around the room, I am not just picking on you, I can talk about Senator Disnard who is very interested in voc-tech. I can talk about Senator Currier whose interest is the EMS. How many do you want me to talk to on this floor today that doesn't have something in this budget that they want. If you want to posture yourself, run for reelection, you are welcome to do it. But there are going to have to be thirteen people who sit in this room this afternoon that have got the courage to raise the taxes that they don't want to raise. My grocer isn't happy that I am going up on cigarettes, he is not happy that I am going up on beer. Where I go to eat, the people say don't do that, don't touch me. I am in the real estate business, you are in the real estate business. We finally got the price of homes down. We are going to raise the real estate transfer tax and I am going to vote for it. Not because we want to and not because we care to, but because it is basically the only option that

we have as responsible Senators that sit in this chamber. Do your political posturing, do all you want, but if you don't vote for this, when we get to 1500, I expect you to stand up and tell us which ones of that bill that you want to give away to make up for the taxes that you don't wish to raise today. If you come back, get your income tax, get your sales tax, get whatever taxes you want to if you don't like the system, but today as your Senate President I only have options to do business with the taxes that we have available. When we passed chapter 365, we thought we passed a good budget. When it came about September, October, we knew that the revenues were down. We started talking to Senate Finance. We talked to other people. Things didn't get better, they got worse. Now we have to take chapter 365 and we have to dilute it. We have to try and do it in such a manner that we hurt the fewest amount of people. We did some cutting. We have raised some taxes. We have accelerated some income. We have a problem and if we don't do it today, the State of New Hampshire and all those people that you represent are going to suffer. It is not going to get better tomorrow. I am not telling you that 1500-A or the legislation that we are passing today is a solution, but I think it is a plan that the people of the State of New Hampshire can say, "Okay, they are trying to solve the problems, we hope in the short run." The commissioners, the directors, the department heads, the employees of the State of New Hampshire, will be able to go back to work, go over there, and be able to know what is happening to their department and go forward and do their best to get us through these short times. We are going to vote on this tax and it is going to make a decision on what happens to 1500. I am willing to stay here all night long and so is the House, but we are going to have to make those cuts. Because I am not going to vote for an unbalanced budget.

SENATOR BLAISDELL: I am not going to say a word, Mr. President. I am going to sit here all day long and I am going to vote for every tax that is here in front of us. I don't like any one of them. I have had the same calls from the people of my district, especially on the rooms and meals. They did ask me that if we did pass the rooms and meals, could we put a million dollars in promotion. The same people that I talked to, the 93 percent of the people of New Hampshire for the seven percent who need the services that you and I provide. These are the same people who are going to have to work hard, like you and I are going to have to work hard, to be able to take care of those people in nursing homes, take care of retired senior volunteer programs, EMS, anything you want to think about. It is the broad picture. God put you and I on this earth with relatively good health, but there are a lot of people in this State who don't have

good health. We have to make those tough choices. By voting for this today, even as bad as it is, and I say it is bad, I agree with you Senator King, I have been at this for 43 years and I know it is bad. I don't like to raise the business profits tax; I was consistent; I always raised it even though it was on me. We have to be responsible for the seven percent of the people of our State who need our services. If you don't help them, if you don't give them some gift, or give them that right to live, then there is not much hope for them. It is a bad choice. I realize it. But for God's sake, do it. Don't worry about reelection. It is time to do what is right for the people of New Hampshire. The hell with getting reelected. I think the people of this State will understand what you have done today. You have protected the seven percent of the people who really need your help. I appreciate your vote on this.

SENATOR NELSON: I am not making a reelection speech. This has nothing to do with reelection, Senator Blaisdell. I would like to say though I am not on your committee and it is very difficult having heard the good Senate President give us opinions on the tax structure and the problems in the State, but what I am suggesting is that it is very difficult to take a look at a bill that takes taxes from one and then wants to fund a marketing program. Would you remark on that? That is what I am having difficulties with, not my reelection.

SENATOR BLAISDELL: I think, Senator Nelson, that that marketing program that we are going to appropriate a million dollars for is well spent in New Hampshire. Those people do come across the border and may stop in Nashua, I hope a lot of them stop in Keene, but some of them can not always get to Sunapee and Cannon. I think it is a good investment in the great State of New Hampshire because we are a tourist oriented State. It shouldn't be in just one area. I think it should be all over the State of New Hampshire. We all benefit from it, I think.

Recess.

Out of Recess.

Senator Bartlett in the Chair.

SENATOR DISNARD: Mr. President, I get the message. I am not going to vote the way I was going to vote because I am not going to lose two vocational schools.

SENATOR DUPONT: I would like to clarify something on the ski areas. I think what people also ought to understand is the money that the ski areas raise, goes back into the general fund. One of the things that we are fortunate in this year is that the ski areas are

having a good year. They are going to be returning revenue far in excess of what we had anticipated, which has made it a little bit easier for us to put this budget in balance. While I understand the concern, I think you have take a look at it from a little bit different perspective.

Adopted. Ordered to Third Reading.

Senators King, Heath, Johnson, Nelson, Roberge, Krasker and Stephen wished to be recorded as opposed to the motion.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put HB 1038-FN-A on Third Reading and Final Passage, that the title be the same as adopted and that the bill be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration of HB 1038-FN-A.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1038-FN-A. relative to revenue raising measures and certain appropriations.

COMMITTEE REPORT

HB 1170-FN, to increase the real estate transfer tax for the bien-nium ending June 30, 1991.

Ought to Pass with Amendment. Senator Dupont for the committee.

SENATOR DUPONT: HB 1170 as originally passed over to the Senate raised the real estate transfer tax to \$6.00 per thousand on both the buyer and the seller. The Senate amendment that you have in the calendar raises it to \$5.25 per thousand. The difference is the House bill raised this tax \$1.25 per thousand. The Senate amendment lowers that to 50 cents per thousand for each, the buyer and the seller.

Amendment to HB 1170-FN

Amend the title of the bill by replacing it with the following:

AN ACT

to increase the real estate transfer tax for the
biennium ending June 30, 1991.

Amend the bill by replacing all after the enacting clause with the following:

1 Rate of Tax for Biennium Ending June 30, 1991. Notwithstanding the provisions of RSA 78-B:1, I and 1989, 416:4, for the period beginning April 1, 1990, and ending June 30, 1991, the rate of the tax is \$.525 per \$100, or fractional part thereof, of the price or consideration for such sale, grant or transfer; except that where the price or consideration is \$4,000 or less there shall be a minimum tax of \$21. The tax imposed shall be computed to the nearest whole dollar.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill increases the rate of the real estate transfer tax from \$.475 to \$.525 per hundred for the period beginning April 1, 1990, and ending June 30, 1991. The minimum tax due is \$21.

Amendment adopted. Ordered to Third Reading.

Senators King, Heath, Nelson and Stephen wished to be recorded as opposed to the motion.

Senator Johnson took Rule 42.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put HB 1170-FN on Third Reading and Final Passage, that the title be the same as adopted and that the bill be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration on **HB 1170-FN**.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1170-FN, to increase the real estate transfer tax for the biennium ending June 30, 1991.

COMMITTEE REPORT

HB 1503-FN, relative to certain general fund fees and revenues and certification of waste water treatment plant operators.

Ought to Pass with Amendment. Senator McLane for the committee.

SENATOR MCLANE: I wore my Christmas dress today, because I was going to take this bill and this is the Christmas tree. But there are some very important parts of it. And some parts that are very dear to my heart and some others in this Senate.

The amendment is on page 20 of the calendar and that is the bill. As you will notice, it says amend the bill by replacing all after the enacting clause and adding a new title: relative to state revenue and fees. This is money that we need. And I will stand first of all on that section of the bill, the first section, which has to do with the taxing of tobacco products. If anyone wants to tell me what perique is I would be interested. But this bill is the result of a study of a bill from last session that Senator Bass and I put because we felt it was unfair that the State of New Hampshire taxed cigarettes but did not tax pipe tobacco, cigars, chewing tobacco. This bill would correct that unfairness.

There are three parts to this bill in my mind. One is a fairness part. These products should be taxed. Secondly, is revenue. The State of Vermont makes a half a million dollars by taxing tobacco products such as these, exclusive of cigarettes. And the revenue that is projected is a million dollars a year. If you don't want that for your special project, then don't vote for this. The third aspect of this bill is health. The committee that studied the taxation of tobacco products had as one of its members Dr. Emily who is a doctor here in Concord. If you think that those pictures that have been appearing in the Manchester Union Leader of babies are pretty awful, you should see some of the pictures of young people who have had cancer from using snuff and chewing tobacco. For health reasons alone, we should pass this bill, because studies have proven over the years for every penny you put the tax up, a few young kids decide it isn't worth the money. So for those three reasons - for fairness, revenue and health - I urge you to vote for the the first section of HB 1503.

The second section is to my mind sort of a historic review, deja vu all over again. Senator Monier tried to pull this in 1982. That section I will not speak to in terms of supporting it because I have an amendment which will come in later to remove that section. And I have passed out to you just now a letter from Wally Stickney, which I believe makes very clear that we could be loosing federal funds and we certainly aren't going to make any money off this crazy idea.

The third part of the bill as it stands now as amended by the Senate Ways and Means Committee is a gasoline tax of 2 cents a gallon to go into the general highway fund to replace the unconstitutional truck tax that we had before. And two cents to go back to cities and

towns to be used for the betterment of highways. This is one place where we will be adding to the amount of money that we are sending back cities and towns instead of taking money away from them. I urge you to support that third section of the bill.

SENATOR DISNARD: Senator McLane, I was reading and I didn't hear some of your statements, did you say there will be a two cent gasoline tax.

SENATOR MCLANE: Yes, and perhaps I should defer to Senator Torr to explain the gas tax, because he has felt that I haven't quite completely explained it.

SENATOR TORR: Senator Disnard, the additional two cents would be dedicated entirely to the betterment. Betterment is considered to be construction, reconstruction, enrichment, rehabilitation and paving. Eighty-eight percent of that would be retained by the State and twelve percent would go back to the communities, specifically for that purpose.

SENATOR DISNARD: Does that mean another bill which we discussed earlier, 1505 also includes a 2 cent raise? Are we talking about 4 cents?

SENATOR TORR: That is right. The original two cents was to bring the balance of the budget into a black situation.

SENATOR DISNARD: We are talking about two cents and two cents in additional taxes if this passes today? We are talking about 4 cents.

SENATOR TORR: The highway fund at the present is in the red. The original two cents will have brought it to a black position. This is an additional two cents.

SENATOR BASS: I rise in strong support of HB 1503. I would like to associate myself with the remarks made by Senator McLane concerning the need for the expansion of the tobacco tax. The tobacco tax originally did cover all tobacco products. The Supreme Court threw it out because there were some constitutional problems with its construction of the law. The result has been that we have had an inherent unfairness in our tax system relating to tobacco which has resulted in undue pressure on the cigarette portion of the tobacco products. As cigarette smokers, one should be willing to support this change because it is going to expand it to the other tobacco products and create the kind of fairness that there was in the original bill. I would urge the Senate to support and pass this amendment. It brings equity back into the taxing process as it relates to tobacco products.

Amendment to HB 1503-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state revenues and fees.

Amend the bill by replacing all after the enacting clause with the following:

1 Tobacco Products Redefined. RSA 78:1, XIV is repealed and re-enacted to read as follows:

XIV. "Tobacco products" means perique, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plus and twist tobacco, fine-cut and other chewing tobaccos, shorts, the refuse of fine-cut chewing, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or to be made into cigarettes or otherwise, or both for chewing and smoking, and substitutes therefor, and shall include cigarettes and cigars.

2 New Paragraph; Usual Wholesale Price Defined. Amend RSA 78:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Usual wholesale price" means the normal wholesale price of tobacco products as determined by the commissioner. In determining the usual wholesale price the commissioner shall consider the generally established price of tobacco products as sold by the wholesaler to the retailer.

3 New Section; Tax on Other Tobacco Products. Amend RSA 78 by inserting after section 7-b the following new section:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed at a rate proportional to the cigarette tax, having such ratio to the usual wholesale price of each kind of tobacco product other than cigarettes as the cigarette tax bears to the usual wholesale price of cigarettes. The tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

4 Exemption from Affixing Tax Stamps. Amend RSA 78:12 to read as follows:

78:12 Affixing Stamps.

I. The commissioner shall adopt rules pursuant to RSA 541-A relative to the affixing of stamps to each package of tobacco products sold or distributed by a licensed wholesaler. At any time before

tobacco products are transferred out of the possession of a licensed wholesaler; stamps shall be affixed, at the location for which the license is issued, to each package of tobacco products sold or distributed. Any person who violates the provisions of this section shall be guilty of a felony.

II. The commissioner is authorized to exempt such tobacco products other than cigarettes from the requirement of affixing stamps to their packages under paragraph I, as to which he finds that the affixing of stamps is physically impractical due to the size or nature of the package or that the cost of affixing the stamps is unreasonably disproportionate to the tax revenue to be collected. In lieu of stamps, the commissioner may, by rules adopted under RSA 541-A, require the submission of periodic reports to the commissioner by wholesalers thereof exempted under this paragraph, setting forth the total number of units of each such unstamped tobacco product distributed and transmitting payment of the tax due under this chapter. Any person who violates the provisions of this section by failing to make the reports and to pay the taxes due shall be guilty of a misdemeanor.

5 Reference to Unstamped Tobacco Products. Amend RSA 78:14 to read as follows:

78:14 Unstamped Tobacco Products. No sub-jobber, vending machine operator or retailer, and no other person who is not licensed under the provisions of this chapter, shall sell, offer for sale, display for sale, ship, store, import, transport, carry or possess with or without intent to sell, any tobacco products not properly stamped under RSA 78:12 or 78:13, **except as provided in RSA 78:12, II.** This section shall not prevent any unlicensed person able to purchase unstamped tobacco products by statute from possessing such products for his own use or consumption. The provisions of this section shall not apply to common carriers transporting unstamped tobacco products. Any person who violates the provisions of this section shall be guilty of a felony.

6 Definition of Tobacco Products Removed. Amend RSA 78:12-b, I to read as follows:

I. In this section[:]

[(a)] "Person" means a person under RSA 78:1, II and shall include any owner or operator of a vending machine for the sale of tobacco products and any person having control of the location where such a vending machine is located.

[(b)] "Tobacco products" means cigarettes, cigars, snuff, smokeless tobacco, products containing tobacco, and tobacco in any other form.]

7 New Paragraph; Cutting Vegetation Within the Highway Right-of-Way. Amend RSA 236:74 by inserting after paragraph IV the following new Paragraph:

V. CUTTING VEGETATION WITHIN HIGHWAY RIGHT-OF-WAY. The owner of an advertising sign located on the interstate system, federal aid primary system, or turnpike system may cut vegetation growth within the highway right-of-way under the following circumstances:

(a) In addition to the fee required in RSA 236:71, any owner of an advertising sign who wishes to cut vegetation growth obstructing his sign shall pay \$300 per cutting to the state treasurer. The cutting shall be supervised by the bureau of environment, department of transportation.

(b) The area to be cut shall be an area allowing a 5-second, clear and unobstructed view of the advertising sign, while one is traveling down the highway at the posted speed.

(c) The state shall not be liable for damages to persons or property resulting from any cutting authorized under this paragraph.

8 Gasoline Floor Tax Imposed. Notwithstanding any other provision of law, there is hereby imposed on all gasoline on which the road toll has been paid or assessed, in the possession of any distributor, wholesaler or retailer at 12:01 a.m. April 1, 1990, a tax in the amount of 2 cents per gallon. All distributors, wholesalers and retailers shall determine their inventory of gasoline at 12:01 a.m. April 1, 1990, by measuring the gasoline in their possession and shall forward said inventory broken down by class of premium, regular, no lead, and premium no lead to the director of motor vehicles. Said distributors, wholesalers and retailers shall pay the tax imposed herein to the director of motor vehicles at the time of filing said inventory. All such inventories shall be filed and the tax paid no later than May 1, 1990. The director of motor vehicles is hereby authorized to require any person liable to pay the tax imposed herein to furnish such information as he shall deem necessary. He may adopt such reasonable rules and regulations as may be necessary to enforce this section. Such rules and regulations shall be deemed emergency in nature and shall not be subject to the RSA 541-A. Any person who furnishes false information, regarding the inventory which he has, which is taxable pursuant to this section shall be guilty of a misdemeanor.

9 Gasoline Floor Tax Imposed. Notwithstanding any other provision of law, there is hereby imposed on all gasoline on which the road toll has been paid or assessed, in the possession of any distributor, wholesaler or retailer at 12:01 a.m. April 1, 1990, a tax in the amount of 4 cents per gallon. All distributors, wholesalers and retailers shall determine their inventory of gasoline at 12:01 a.m. April 1, 1990, by measuring the gasoline in their possession and shall forward said

inventory broken down by class of premium, regular, no lead, and premium no lead to the director of motor vehicles. Said distributors, wholesalers and retailers shall pay the tax imposed herein to the director of motor vehicles at the time of filing said inventory. All such inventories shall be filed and the tax paid no later than May 1, 1990. The director of motor vehicles is hereby authorized to require any person liable to pay the tax imposed herein to furnish such information as he shall deem necessary. He may adopt such reasonable rules and regulations as may be necessary to enforce this section. Such rules and regulations shall be deemed emergency in nature and shall not be subject to the RSA 541-A. Any person who furnishes false information, regarding the inventory which he has, which is taxable pursuant to this section shall be guilty of a misdemeanor.

10 New Section; Supplemental Road Toll. Amend RSA 260 by inserting after section 32 the following new section:

260:32-a Supplemental Road Toll.

I. In addition to the road toll imposed under RSA 260:32 on motor fuel and under RSA 260:52, I on fuel other than motor fuel, there is imposed a road toll of \$.02 per gallon, provided that such road toll shall not apply to the exceptions listed in RSA 260:32, I-V. The additional road toll shall be deposited into the highway fund to be distributed as follows:

(a) 12 percent to each city, town, and unincorporated place on a formula in which $\frac{1}{2}$ of the amount is based on the proportion which the mileage of regularly maintained class IV and class V highways in each municipality, as of January 1 of the previous year, bears to the total of such mileage in the state; and $\frac{1}{2}$ of the amount is based on the proportion which the office of state planning population estimate of each municipality bears to the latest estimate of the total population of the state as of July 1 of the year of the estimate. The aid to be distributed under this subparagraph shall be in addition to all other state and federal aid specifically authorized by statute.

(b) 88 percent to the department of transportation, to be expended by such department for highway construction, reconstruction and resurfacing and bridge maintenance on state-owned highways in the counties of the state. The amount to be expended in each county by the department shall be calculated as follows:

(1) The commissioner of transportation shall determine the percentage of aid received under subparagraph (a) by each city, town, and unincorporated place.

(2) The commissioner shall then determine the total percentage of aid received in each county under subparagraph (a).

(3) The commissioner shall allocate the funds to be expended under this subparagraph according to such percentage by county.

II. The sums distributed under subparagraphs I(a) and (b) are hereby continually appropriated to be expended for the purposes specified.

III. The commissioner of transportation shall prepare a report not later than December 1 of each year which details the way in which the highway department has expended funds for highway construction, reconstruction, and resurfacing, and for bridge maintenance according to the provisions of subparagraph I(b). The report shall be submitted no later than December 1 of each year to the president of the senate, the speaker of the house, the governor, the chairman of the house public works committee, and the chairman of the senate capital budget committee.

11 Contingency. If HB 1505-FN-A of the 1990 regular session becomes law, section 9 of this act shall take effect upon its passage and section 8 of this act shall not take effect. If HB 1505-FN-A does not become law, section 8 of this act shall take effect upon its passage and section 9 of this act shall not take effect.

12 Effective Date.

I. Sections 8 and 9 of this act shall take effect as provided in section 11 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the definition of "tobacco products" under the tobacco tax, RSA 78, to include all forms of tobacco and not just cigarettes.

The bill also imposes a separate tax on tobacco products other than cigarettes. The tax is imposed at a rate which is proportional to the cigarette tax, having the same ratio to the usual wholesale price of each kind of tobacco product other than cigarettes as the cigarette tax bears to the usual wholesale price of cigarettes.

The bill authorizes owners of advertising signs to cut vegetation around their signs within the highway right-of-way.

The bill levies a gasoline floor tax of 2 cents per gallon on distributors, wholesalers and retailers beginning on April 1, 1990. If HB 1505-FN-A becomes law, the floor tax is \$.04 per gallon. The bill also imposes an additional \$.02 per gallon road toll to be distributed to municipalities and to the department of transportation. The bill details how the department of transportation is to expend such funds for highway improvements in counties.

Amendment adopted.

Senator McLane offered a floor amendment.

SENATOR MCLANE: What this amendment does is merely take out section 5 of the bill and rennumbers the sections. As I said before, we have seen this trick before and I should think Common Cause would be hanging over the balcony at this point. This is a non-germane amendment that came in at the last minute into the Ways and Means committee under the guise of a revenue raising measure. I think that the letter from Commissioner Stickney before all of you will point out very clearly that he doesn't think it will raise much revenue. Because there are so few of these signs which are partially obscured by vegetation. It is an attempt by the advertising council to make billboards more visible from the highway. If you say for fifteen seconds a clear and unobstructed view, that is a hell of a lot of birch trees and pine trees cut down on our highways after we have spent millions to beautify our highways. I think it is clear from the letter from Commissioner Stickney and clear from the evidence before us that if we pass that section of HB 1503 that we are liable to lose a great many federal funds. For that reason, plus the fact that Ladybird Johnson wouldn't want us to do it, I suggest that we pass this amendment here before you.

SENATOR BLAISDELL: I guess maybe they should call me Tricky Junie. I saw Ladybird Johnson last summer. She didn't say anything to me about this, knowing that I was going to put in this amendment. Purely and simply, there are presently 700 permitted signs in New Hampshire, regulated by the Department of Transportation. My reason for bringing in this amendment, being a tourist oriented person who wants to advertise the State of New Hampshire, that is what I want to do. We doubled the fees. My amendment would allow for the cutting of vegetation within the highway right-of-way. Each owner who wishes to cut the vegetation growth obstructing his sign which we have already given him the right to put on the side of the road, shall pay to the State of New Hampshire \$300 per cutting to the State Treasurer. In the Ways and Means Committee, I amended it to be \$500 for each and Senator Dupont in the Ways and Means Committee doubled all the fees to \$10, 20, 40, 80. I say it is going to bring in money. It will be supervised by the Bureau of Environment and the Department of Transportation. Pretty soon, we have got to in this State get a balance between growth and what people want to do about cutting trees. We are trying to bring people to our State. We are trying to advertise our State. I see nothing wrong. They are beautiful signs. All they want to do is maintain them. It brings in probably \$100,000. I see nothing wrong with it. I oppose Senator McLane's amendment. I don't care what Common Cause says. If they fall over the balcony, do whatever they want. They are wrong and I am right on this one.

SENATOR HEATH: Senator Blaisdell, do you share my astonishment that the Senator from district 15 who usually stands up for first amendment rights, who is looking for revenues so that we can subsidize Cannon, that she would propose this thing that will not only fly in the face of the first amendment, but also perhaps reduce some of these revenues that we are going to get now that we have jacked up rooms and meals tax?

SENATOR BLAISDELL: In the last couple of years, Senator McLane has never ceased to astonish me. She knows how I feel about that. I feel strongly. I sat here with the late Senator Bob Monier. I don't think it was a trick then and it is not a trick now. It is a way of raising revenue, and I think it is a good way to do it and make the State look beautiful.

SENATOR BASS: Senator Blaisdell, I was wondering if you would be willing to specifically address this letter that was passed out by Senator McLane from the Department of Transportation, the enclosure in which they intimate that this State may be in some jeopardy of loosing federal funds as a result. Could you comment on the letter specifically the up-date of the 1982 letter that says permitting the removal of trees is contrary to whatever the policy is and might result in some loss of funding?

SENATOR BLAISDELL: I don't think that is going to happen, Senator Bass, because I think I listened to the President of the United States a little while ago telling me about environmental issues and what he was going to do and how there has to be a balance. I agree with the President of the United States, George Bush. I think there should be a balance. I don't have any problem. Every time something like this comes up, they come in and say it is either constitutionally wrong or it is going to go to the courts or it is going to this. I don't agree on that. I haven't read Commissioner Stickney's letter. The only thing that I read in that whole budget was when he came in to us and told us about all the great things he was going to do. Senator Torr sat there for hour after hour to do his budget. I think he has got a hell of a nerve to send a letter like that. I think he is wrong.

SENATOR BOND: I would like to start by pointing out to Senator McLane that in the amendment on page 21 it is a five second clear travel not a fifteen second clear travel as you indicated. Secondly, in refutation of the highway commissioner's statements that we would lose funds, the State of Pennsylvania and the State of California have passed similar legislation. Third, I would like to point out that there is an old saying that you can't sell from an empty cart. When

your cart is full, you can't sell from it if they don't know where it is. In my neck of the woods, you have got to advertise. The best way to advertise to somebody who is coming up the road, is to put out a sign. As long as they are done neatly and nicely, they bring business. We certainly don't want our North Country to become like the north country of the People's Republic of Vermont.

SENATOR FREESE: I rise in opposition to the floor amendment before us. I am surprised to see it here today, while we are raising taxes from the very people that need these signs. A good looking sign does not mar the landscape. Growing shrubs and trees to hide the signs is trickery in my estimation. Here we are, really suffering today because business is not good, the economy is down, and now we want to wipe out all the signs by planting trees in front of the signs. I strenuously object to this piece of legislation.

SENATOR PRESTON: I think this is foolish. I think this amendment should meet an early fate, with all due respect. The taxes just passed in this chamber that could very well have a punitive affect on the very people we are trying to help. There are a lot more important things. Let's just kill this amendment quickly and get on with the business at hand.

SENATOR STEPHEN: I think it is a good idea to keep the trees. Bomb all the tax bills and keep the trees.

SENATOR MCLANE: Senator Freese, I am confused about which is the trickery? Is the trickery to put the amendment in or the trickery is to take it out? I didn't hear what you said.

SENATOR MCLANE: I remember you standing in front of this body several years ago and telling how you got a group of people together here in Concord and went down here on the south side of Concord and planted trees to cover up some signs that people here do business from. I didn't like it and I was just referring to that episode.

SENATOR MCLANE: It is an important episode in Concord's life.

SENATOR JOHNSON: Senator Blaisdell, to what extent does the Department of Transportation have any control over the vegetation to be cut down permitted by this amendment?

SENATOR BLAISDELL: They have all the control. As the amendment says, the cutting shall be supervised by the Bureau of Environment and the Department of Transportation. They are the ones who issue the permits to put up the sign and to have the cutting.

SENATOR JOHNSON: Is it your understanding then that before the sign owner or operator can come in and cut the vegetation on the state right-of-way, that a Department of Transportation supervisor would be present or would have previously approved what is to be cut?

SENATOR BLAISDELL: Absolutely, Senator Johnson. That is what the amendment says and that is what they do today.

Amendment failed.

Senator Johnson offered a floor amendment.

SENATOR JOHNSON: I am offering a floor amendment to HB 1503. And I would like to speak to that amendment. I am asking for your support on this amendment. The intent of this amendment is to reduce the Attorney General's staff by two assistant Attorneys General. The rationale for this is based upon the action taken by the Attorney General in an eminent domain case that tells me two assistant Attorneys General are making work for themselves and costing the State directly and indirectly. Let me now give the facts upon which this floor amendment is based. In May, 1986, the Department of Transportation, based upon their own appraisal, offered \$18,800 for a five acre parcel of land. In June of 1987, the owner's appeal to the Board of Tax and Land Appeal resulted in an unanimous opinion awarding the owner \$168,000. In July, 1987, the Attorney General filed an appeal to the Superior Court. In February of 1989, the Attorney General now offers the owner \$160,000 with no accrued interest. The owner rejected that. In November of 1989, and listen to this my fellow Senators, the Superior Court in Merrimack County awarded the owner \$175,000. On November 29, 1989, a letter from the Attorney General adds up the amount due to the owner and that amount based on the Attorney General's letter of November 29, is \$210,807.56. Two Assistant Attorney's General engaged in what appears to be busy work. They cost the State another \$50,000 and tied up the already overburdened Superior Court for another three days. My fellow Senators, this is your opportunity to vote for a targeted reduction in State government, and I urge your support of this amendment. My final comment here, the Attorney General's attention was called to this issue and was asked to review the merits of this appeal. In a letter dated April 24, 1989, he persisted in going forward with this appeal to the Superior Court and cost the tax payers of this State a ton of money.

SENATOR HEATH: Senator Johnson, I share in your anger at this and especially in face of the fact that we are going out and hitting all these people with all these taxes to support this government and to

see that this agency as well as others waste money. But there is something that I can't understand. Did you tell me that the first appraisal by the Transportation Department was \$18,000?

SENATOR JOHNSON: \$18,800, Senator Heath.

SENATOR HEATH: Senator, what did you tell me was the final appraisal?

SENATOR JOHNSON: \$175,000. The final total to the owner was \$210,807. That included the accrued interest charges and some other fees that were involved in it.

SENATOR HEATH: Senator, why isn't there a position of appraiser in the Department of Transportation removed if they are that useless as appraisers?

SENATOR JOHNSON: Senator Heath, you have pointed out a defect, but not one that should be defeated but clearly, whoever made that kind of absurd evaluation of property should certainly be on this targeted list, too. You are absolutely right.

SENATOR TORR: Have you checked with the Attorney General's office or the Department of Transportation to determine the impact of these people on highway projects and the fact that they wouldn't be present to work on them?

SENATOR JOHNSON: I have not done that nor do I think that that is necessary. I think I have made the case based upon the evidence that has been presented to me primarily and directly from the Attorney General's office itself.

SENATOR DUPONT: Senator Johnson, is it not true that the appraiser that does the appraisal of properties taken by eminent domain is a private appraiser hired by the department?

SENATOR JOHNSON: I don't know if it is a private one, as a matter of fact, I am quite certain that this was a State employee of the Department of Transportation.

SENATOR DUPONT: And is it also not clear that there is a statutory obligation of the Department to pursue the appeals process in a case where there is a dispute in value?

SENATOR JOHNSON: There is a statutory permission to appeal that. It is certainly not obligatory, Senator Dupont.

SENATOR DUPONT: Well, Senator, is it also not true that if there can be an agreed upon value outside of the court process, where both sides agree on a value that you don't have to go to Superior Court?

SENATOR JOHNSON: I am glad you asked that question. Because the owner up until the very moment before the Court trial started was available to do that. The Attorneys General persisted even to that moment.

SENATOR KING: I am uncomfortable with using anecdotal evidence to make this kind of a cut in the budget. I think that I could supply equal anecdotal evidence that the Attorney General's office is understaffed, instead of overstaffed. I am not sure that I am right about that, either; but there are certainly several, what I consider, very serious cases in my district that to this day are not being thoroughly investigated because they don't have the staff to do it. I am going to vote against this amendment to the bill and would ask that others do so based on the fact that with anecdotal evidence, it is very hard for us to make a good public policy decision.

SENATOR JOHNSON: Senator King, wouldn't you have preferred these two assistant Attorneys General be working on those cases that you talked about in your own district that apparently need some Attorney General's support, rather than spending their time and energy and the tax payers money pursuing what turned out to be an absolutely ludicrous appeal?

SENATOR KING: Senator Johnson, I would certainly have preferred that but if we pass this amendment today, they will work on nothing.

SENATOR JOHNSON: What better evidence can you offer for making any kind of a case, than the kind of factual evidence that I have offered here in support of this amendment?

SENATOR KING: Senator Johnson, the case that you have referred to is a compelling case, and I think in terms of good public policy it is one that is worth investigating, but anecdotal evidence alone is not good enough reason for us to make public policy decisions about eliminating positions within any office and particularly the office of the Attorney General, where I think that they are having trouble enforcing the laws that exist as it is because they are understaffed.

SENATOR JOHNSON: The reason that they are having trouble is because they are spending all their time going after ludicrous cases like this instead of working where they are needed. Would you believe that?

SENATOR KING: Senator Johnson, I would believe that and I think that by bringing this amendment to our attention today, you have succeeded in lighting a fire under them.

Amendment failed.

Senator Johnson offered a floor amendment.

SENATOR JOHNSON: I am offering you another opportunity for a targeted reduction in government. This has to do with a position over at the State Hospital, known as the Director of Human Resources. It is a relatively new position that was established in 1985. It is a person that simply sits on top of three other aspects of the administration over at the State Hospital, having to do with training, having to do with public relations, having to do with personnel functions. I spoke to the Superintendent of the hospital about this. His main defense was something like well other hospitals have this kind of a position and therefore we should have it. So I think it is another part of the build up of the administrative bureaucratic overhead that is taking place in State government. So I offer you another opportunity for another targeted reduction in government. I urge you to support this amendment.

Amendment failed.

Senator Preston offered a floor amendment.

SENATOR PRESTON: This bill relates to a cut in legislative mileage by an additional 10 percent for the remainder of fiscal year 1990 and 1991. If we as legislators are truly going to be consistent in our philosophy, I am convinced that we can cut more money. I know that those who supported annual sessions, in some cases come up every day, I have always been convinced that if we had certain hearing days, the legislators could drive to Concord, have several meetings, we could cut down on the mileage. I do this in no spiteful way, but just this morning we heard that the dental program was removed in its entirety and if we can save \$120 or \$130 thousand dollars to address that, I think we are falling into the responsible mode that everyone has suggested. It is an attempt to be responsible to address some of the interests that we have.

SENATOR CHARBONNEAU: I know that you are concerned and I am too, but don't you feel to also amend this further and state any out-of-state travel should also be knocked off, which would be seminars and so forth. Then we would be saving money. I think that all out-of-state travel should be eliminated from the budget and that would amount to a hundred thousand here and another hundred thousand across the hall.

SENATOR BARTLETT: In answer to your inquiry, all out-of-state travel for this body is part of the \$750,000 cut including the thousand dollars that you may have had to go to various conventions before. Don't plan on going anywhere this year, unless you plan on paying your own way.

SENATOR NELSON: Senator Preston, I just was curious how much this is going to total? Do you know that?

SENATOR PRESTON: I think it could be about one hundred thousand dollars between the House and the Senate.

SENATOR NELSON: If you get \$22 in mileage for a trip, what would this do to us?

SENATOR PRESTON: Well, I am just asking that you take one trip less per month or something.

SENATOR BASS: I rise in opposition to this amendment and I guess I understand that this is no more than a time filler. But when I saw this amendment come up, I realized that we had reached to silly season in the budgetary process. This is certainly nothing more than a non-issue. Everybody in this chamber knows that the level of sacrifice that we make in terms of time that those of us who try to have full-time jobs is really substantial. To attack our budgetary crisis in such an absolutely ineffective and non-productive fashion, I think this amendment should go the same way as Senator Preston said on a previous amendment, let's kill it quickly and get on with something a little bit more important to deal with this afternoon.

SENATOR NELSON: Senator Bass, do you not think, given that we are asking every business in the State of New Hampshire, or every restaurant business to take a one percent, we are asking the people of the State to give a cut. Don't you think that by way of example, that we should become a part of solving the process even if it is only a small gesture? That we should be in the forefront?

SENATOR BASS: Senator Nelson, I respond by saying that knowing the amount of time that you spend here in Concord, I would suggest that your pay is somewhere in the vicinity of a couple of pennies an hour. I am wondering if that is commensurate with the very basic pay which is given to any person in the State even if the minimum wage in labor. I think the percentage cuts that we are talking about for other people in the State does not even relate to the numbers that we are talking about for the sacrifice that we are making, Senator Nelson.

SENATOR NELSON: Would you believe that a picture is worth a thousand words? And that even though it is a small amount, each of us knowing that we took the job at a hundred dollars a year, knowing full well that that was what we were going to do and we were going to work virtually full time, that it would be remiss of us not to do something in terms of our own personal experience if we are asking the people in the State, all those who were laid off and everything?

SENATOR BASS: I would suggest, Senator Nelson, that if other people in this State were to make the kind of volunteer commitment that we make as Senators and Representatives that we probably wouldn't have any where near the kind of deficit we have now.

SENATOR KRASKER: I don't think that this is a silly measure. I am going to support it. It is enough money to reinstate the catastrophic illness program for the second year. I have no problem with it.

SENATOR DUPONT: I just wanted to make sure that everyone is aware that we did cut the legislative budget 3/4 of million dollars each year. That there had been a letter that went out from the Senate President asking everyone to conserve supplies, not to travel any more than necessary, and I certainly can support this. It is not going to make a difference whether I conserve or not, even though it might to some members. I would gladly contribute whatever I get for mileage to help the State out of this problem.

Amendment to HB 1503-FN

Amend the bill by replacing section 12 with the following:

12 Legislative Mileage Reduced. Notwithstanding the provisions of RSA 14:15-a, mileage payments to legislative members shall be reduced by 10 percent for the remainder of fiscal year 1990 and for fiscal year 1991.

13 Effective Date.

I. Sections 9 and 10 of this act shall take effect as provided in section 12 of this act.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill amends the definition of "tobacco products" under the tobacco tax, RSA 78, to include all forms of tobacco and not just cigarettes.

The bill also imposes a separate tax on tobacco products other than cigarettes. The tax is imposed at a rate which is proportional to the cigarette tax, having the same ratio to the usual wholesale price of each kind of tobacco product other than cigarettes as the cigarette tax bears to the usual wholesale price of cigarettes.

The bill authorizes owners of advertising signs to cut vegetation around their signs within the highway right-of-way.

The bill levies a gasoline floor tax of 2 cents per gallon on distributors, wholesalers and retailers beginning on April 1, 1990. If HB 1505-FN-A becomes law, the floor tax is \$.04 per gallon. The bill also imposes an additional \$.02 per gallon road toll to be distributed to

municipalities and to the department of transportation. The bill details how the department of transportation is to expend such funds for highway improvements in counties.

The bill reduces legislative mileage payments by 10 percent for the remainder of the biennium.

Amendment adopted. Ordered to Third Reading.

Senators King, Heath and Stephen wished to be recorded as opposed to the motion.

HB 1390-FN-A, to impose a communications service tax and making an appropriation therefor.

Ought to Pass with Amendment. Senator McLane for the committee.

SENATOR MCLANE: The Ways and Means committee has been discussing the inequitable telephone tax for three terms. The present tax selects out only telephones, not telecommunications. Illinois has a similar tax to the one before us on gross revenues for telephones. The telephone companies are now paying what would be a three percent tax, which is before you, a three percent communications tax. They are not very happy with the two percent temporary surcharge that we have added, but that will be part of the revenue package which comes before you. The bill includes a twelve dollar exemption, just for basic residential service. That is a composite of the actual cost of basic service in the various towns. The present tax is 2 percent. This is a five percent tax, with two percent of it being a temporary surcharge.

SENATOR HEATH: Senator McLane, is this a broad based sales tax?

SENATOR MCLANE: I guess so if you think that the cigarette tax was a broad based sales tax and the beer tax was a broad based sales tax. It is the same sort of small, little tax that we have in New Hampshire that does hit everyone regardless of their ability to pay. I am agreeing with you.

SENATOR DISNARD: This is one issue that I can't back off of. I can't back off of it because I know the rainy day fund will trigger if we need it. I don't know if you people are familiar with telemarketing. A success story in Marlow, New Hampshire, two people employed two other people in 1982. That organization now employees two hundred and fifty in and from my area. They now have sales slips last year of 155 million dollars. Telemarketing. All their busi-

ness is done by telephone. I asked eight Senators here this morning, could they guess what their monthly telephone bill is and said that you won't come within a hundred thousand dollars of that monthly bill. I have a business in my district that employees over 250 people, has a hundred and thirty thousand dollar a month telecommunications bill, not just telephone, two-way communication, \$1,600,000 a year billing. How can I or you people, in good faith, charge them a five percent tax on that? We have a concern. I don't think that I can, in good conscience, vote for this bill.

SENATOR MCLANE: Are those the people who call me during supper?

SENATOR DISNARD: It is not telemarketing. It is PC Connections, and I think they are too professional to call you at home during supper.

SENATOR MCLANE: What we are talking about here is a two percent tax that this very successful business will be absorbing. Because the three percent they are paying already. Isn't that true?

SENATOR DISNARD: That is not my understanding. You may be correct but that wasn't my understanding.

SENATOR DUPONT: There are a couple of issues that I think ought to be brought into focus on this tax. When you take a look at this and you take a total look at the total amount that this actually raises, you have to also recognize that there will be a reduction in expenses by the New England Telephone that will flow directly back through to the consumers bill. So when you actually look at this, it doesn't raise the amount of revenue for the State, and therefore doesn't have the impact on telephone bills as large as what it actually appears to be. Secondly, I agree with Senator Disnard, we ought to be concerned about the impact this is going to have on the businesses in the State. And Senator Disnard, I buy things off that company. They can add it on to my bill, I won't be concerned at all. But I think what they also ought to recognize is the fact that we haven't raised the business profits tax. It might have been easier to say all right we'll add one or one and a half percent to the BPT as we have done in the past when we have had problems. I think we are sensitive about the economic climate out there, the climate for businesses, and we reflected that in the fact that we are not going to raise the BPT.

SENATOR JOHNSON: Senator Dupont, if this bill is passed and when it becomes effective when could I expect that 3 percent reduction to show up on my telephone bill?

SENATOR DUPONT: The amount of the tax that is passed through is an allowed expense by the PUC. I would basically say to you that the PUC would take action to disallow or to reduce the allowable expenses by the amount of the reduction of the franchise tax. They would, I believe, have the ability to make that a credit that does get applied against the bill in some form.

SENATOR JOHNSON: Are you saying or inferring that the Public Utilities Commission is aware of this and intends to take action to reduce our telephone bills by three percent?

SENATOR DUPONT: I believe that anything that appears on a utility bill that deals with the cost of providing utility service to the State, the PUC has jurisdiction over. They presently allow the pass through of the franchise tax even though it doesn't show up as a line item. It is an expense that the company has for doing business in New Hampshire that the consumers presently pay in this State. So what I am basically saying is that even though that allowed expense will be eliminated, it won't show as a credit on the bill, because it is hidden now in the bill by the true expenses that the phone company is allowed to add into their rate base.

SENATOR JOHNSON: Would it be your understanding that the Public Utilities Commission intends to establish a docket number on this issue?

SENATOR DUPONT: I am not sure that they even need to have a docket. I could get that answer for you but I know that they are capable of dealing with it.

SENATOR NELSON: I noticed in the bill, 72:12 Public Utilities, all real estate of railroads and other public utilities corporation companies which are not taxed shall be appraised and taxed by the authority of the town in which it is situated. What does that mean exactly and could you give me an example of a place in the State that isn't taxed?

SENATOR DUPONT: Senator, that is part of the present law and an example probably would be telephone poles or rights-of-way that are through communities. I believe if you take a look, you will find that public service company is one of the largest tax payers in the State as a result of the rights-of-way that it owns throughout the State, and if some of that ownership of rights-of-ways is held in some communities by telephone companies that would also be part of that as well as equipment and telephone switching offices, and those places.

SENATOR NELSON: That would be taxed by the town or the city and not the State?

SENATOR DUPONT: Senator, I think what you need to focus in on is the franchise tax does not deal with real estate as such. It deals with equipment and all the other things that are necessary for a telephone company to operate. That is a tax on their equipment rather than a tax on the real estate. That is the difference. When you look at this, this is talking about real estate, buildings and lands that are otherwise taxed by the towns.

SENATOR NELSON: I know you are going to tax a lot of businesses and people like George Disnard's friend, but when you were doing the research on this, what was the average fixed income?

SENATOR DUPONT: When you look at this legislation, you will see that there is an exemption on the first twelve dollars of each telephone bill. New England Telephone and other telephone companies in the State, through dockets at the PUC, have established a phone service that is very available to the low income in the State. It is not a service that has a lot of frills, but it can be had for a very low dollar amount, well under the twelve dollars. You also have to take into consideration that even though single party users in the State may be paying sixteen or fifteen dollars for their service without any of the extras, the twelve dollars represents a blend. All of the residential phone users in the State, what the average basic service charge is is twelve dollars. If you don't want any of the extra services, then that can vary anywhere from five dollars to sixteen dollars.

Amendment to HB 1390-FN-A

Amend the bill by replacing section 2 with the following:

2 Taxation by Municipalities. RSA 72:12 is repealed and reenacted to read as follows:

72:12 Public Utilities. All real estate of railroads and other public utility corporations and companies which is not taxed under RSA 82 and 82-A shall be appraised and taxed by the authorities of the town in which it is situated.

Amend the introductory paragraph of RSA 82-A:2, III as inserted by section 8 of the bill by replacing it with the following:

III. "Communications services" means services for transmitting, emitting, or receiving signs, signals, writing, images, sounds or intelligence of any nature by any electromagnetic system capable of two-way communication and includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services and networks, whether

leased, rented or owned; channel services; telegraph services; teletypewriter services; cable television; computer exchange services; cellular mobile telecommunications services; facsimile services; specialized mobile radio; stationary 2-way radio; paging services; or any other form, whether stationary, portable or mobile, of 2-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. "Communications services" shall not include:

Amend RSA 82-A:3 as inserted by section 8 of the bill by replacing it with the following:

82-A:3 Imposition of Tax; Intrastate Communications Services. A tax is imposed upon intrastate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of 3 percent of the gross charge therefor. However, such tax is not imposed on any communications services to the extent a tax on such services may not, under the constitution and statutes of the United States, be made the subject of taxation by the state.

Amend RSA 82-A:5 as inserted by section 8 of the bill by replacing it with the following:

82-A:5 Exemptions. The first \$12 of the monthly gross charge for a residential customer's telephone exchange access and exchange service shall be exempt from the tax imposed by section 82-A:3. If billing is other than on a monthly basis, the exemption allowed shall be prorated to the ratio that the billing period bears to a period of 30 days.

Amend the bill by replacing section 11 with the following:

11 Effective Date.

I. Sections 1-7 of this act shall take effect March 31, 1990.

II. Sections 8 and 9 of this act shall take effect for gross charges collected from the taxpayer by a retailer on or after April 1, 1990, for communications services purchased at retail on or after March 1, 1990.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill imposes a 3 percent communications services tax. The tax is imposed upon the use of 2-way communications services only by a person in this state. The tax is based upon a percent of the gross charge for communications services purchased at retail from a retailer. Transmissions by means of cable television are not included in the definition of "telecommunications" and are not taxable. In addi-

tion, the first \$12 of the monthly gross charge for a residential customer's telephone exchange access and exchange service is exempt from taxation.

The bill also imposes a surcharge of 66 2/3 percent on the tax imposed for the period beginning April 1, 1990, and ending June 30, 1991.

The bill makes an appropriation to the department of revenue administration to pay the costs of administering the tax.

Amendment adopted.

Senator Disnard wished to be recorded as opposed to the motion.

Senator McLane offered a floor amendment.

SENATOR MCLANE: This amendment merely assures that the tax does not cover out-of-state charges for private lines. It is a small detail but it makes it clear that the tax is only on telephone calls within the state. There are not many companies that have private lines, but those that do should not be covered by this. I think that the reason that this amendment, which has the approval of the Ways and Means committee in the House, is important to add is that it will assure again that there will be no challenge to this bill.

Floor Amendment to HB 1390-FN-A

Amend the introductory paragraph of RSA 82-A:2, V as inserted by section 8 of the bill by replacing it with the following:

V. "Gross charge" means the charge for communications services and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such communications services, the cost of materials used, labor or service costs or any other expense whatsoever. "Gross charges" for private line service shall include charges imposed at each channel point within this state, charges for the channel mileage between each channel point within this state, and charges for that portion of the interstate inter-office channel provided within New Hampshire. In case credit is extended, the amount thereof shall be included only as and when paid. However, "gross charge" shall not include:

Amendment adopted. Ordered to Third Reading.

Senators Heath, King, Disnard, Roberge and Nelson wished to be recorded as opposed to the motion.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1390-FN-A** on Third Reading and Final Passage, that the title be the same as adopted and that the bill be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration on **HB 1390-FN-A**.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1390-FN-A, to impose a communications service tax and making an appropriation therefor.

COMMITTEE REPORTS

HB 1504-FN-A, increasing the tobacco tax.

Ought to Pass. Senator Roberge for the committee.

SENATOR ROBERGE: Studies show that there is a direct correlation between the purchase of cigarettes by age. As the price increases younger people reduce their consumption. Further studies indicate that many expenses in health care today are directly related to cigarette smoking. No tax is a good tax, but in this case, the committee felt that since smoking of cigarettes is a health issue that adversely effects all of us, they strongly endorse this measure.

Adopted. Ordered to third reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1504-FN-A** on Third Reading and Final Passage, that the title be the same as adopted and that the bill be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration of **HB 1504-FN-A**.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1504-FN-A, increasing the tobacco tax.

REMOVED FROM THE TABLE

Senator Dupont moved to remove **HB 1500-A**, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991 from the table.

Adopted.

Committee report Ought to Pass with Amendment.

Senator Blaisdell moved that the committee amendment be adopted.

Amendment adopted.

Senator Blaisdell offered a floor amendment.

SENATOR BLAISDELL: The reduction in the Department of Personnel is authorized with this budget reduction. Pure and simple as that. I ask the adoption of the amendment.

AMENDMENTS TO
HB1560 PAGE 1 02/14/90

AMEND SECTION 1 OF THE BILL BY MAKING THE
FOLLOWING SPECIFIED CHANGES, AND BY CHANGING
SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED
TO REFLECT THE SPECIFIED CHANGES

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE
01 OFFICE OF THE GOVERNOR
03 STATE PLANNING OFFICE
01 STATE PLANNING ADMINISTRATION

STRIKE OUT
92 REGIONAL PLANNING
INSERT IN PLACE THEREOF
92 REGIONAL PLANNING

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STATE PLANNING ADMINISTRATION

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STATE PLANNING OFFICE
GENERAL FUNDS
OTHER FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF THE GOVERNOR
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
EXECUTIVE OFFICE
FEDERAL FUNDS

	FISCAL YEAR 1990	FISCAL YEAR 1991
250,000		
300,000		
2028,211	2074,227	
1978,211	2024,227	
2028,211	2074,227	
2028,211	2074,227	
2821,630	2778,442	
2514,631	2463,961	
306,999	314,481	
2821,630	2778,442	
12424,107		12027,513
7002,453		6467,760
4506,211		4495,615
915,443		1064,138
12424,107		12027,513
32982,116		32715,002
27004,135		26602,527

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HB1500

01 GENERAL GOVERNMENT
03 EXECUTIVE OFFICE

(CONT.)
(CONT.)

GENERAL FUNDS
OTHER FUNDS
TOTAL

5061,938
916,043
32982,116

5047,737
1064,738
32715,002

01 GENERAL GOVERNMENT
04 DEPARTMENT OF INVESTATIVE SERVICES
01 OFFICE OF THE COMMISSIONER
02 BUDGET OFFICE
04 INDIGENT DEFENDERS

INSERT
94 ANCILLARY NON-COUNSEL SERVICES

250,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
INDIGENT DEFENDERS
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

7274,125

6940,665

GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

7274,125

6690,665

GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

7274,125

6940,665

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
BUDGET OFFICE
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

8130,423

8314,206

BUDGET OFFICE
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

8130,423

249,602

8053,962

10,642

8314,206

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF THE COMMISSIONER
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

9314,479

9631,444

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

9314,479

249,602

9371,200

10,642

9631,444

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

AMENDMENTS TO PAGE 3 02/14/90
HB1500

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

01 GENERAL GOVERNMENT
04 DEPT ADMINISTRATIVE SERVICES
01 OFFICE OF THE COMMISSIONER

(CONT.)
(CONT.)
(CONT.)

01 GENERAL GOVERNMENT
04 DEPT ADMINISTRATIVE SERVICES
04 DIVISION OF PERSONNEL
01 PERSONNEL ADMIN & SUPPORT

STRIKE OUT			
20 CURRENT EXPENSES	40,000		36,000
INSERT IN PLACE THEREOF			
20 CURRENT EXPENSES	54,000		50,000
STRIKE OUT			
50 PERSONAL SERVICES - OTHER	37,030		
INSERT IN PLACE THEREOF			
50 PERSONAL SERVICES - OTHER *	37,030		37,030
STRIKE OUT			
60 BENEFITS	179,486		209,349
INSERT IN PLACE THEREOF			
60 BENEFITS	179,486		212,182

INSERT

* THIS APPROPRIATION INCLUDES FUNDS FOR THE
PERSONNEL APPEALS BOARD.

TOTAL	975,160		1052,553
ESTIMATED SOURCE OF FUNDS FOR PERSONNEL ADMIN & SUPPORT			
STRIKE OUT			
GENERAL FUND	961,160		998,690
INSERT IN PLACE THEREOF			
GENERAL FUND	975,160		1052,553
TOTAL	975,160		1052,553

TOTAL	1250,940		1359,001
ESTIMATED SOURCE OF FUNDS FOR DIVISION OF PERSONNEL			

AMENDMENTS TO	PAGE	4	02/14/90			FISCAL YEAR 1990	FISCAL YEAR 1991
H81500							
01 GENERAL GOVERNMENT				(CONT.)			
04 DEPT ADMINISTRATIVE SERVICES				(CONT.)			
04 DIVISION OF PERSONNEL				(CONT.)			
GENERAL FUNDS						1250,940	1359,001
TOTAL						1250,940	1359,001
01 GENERAL GOVERNMENT							
04 DEPT ADMINISTRATIVE SERVICES							
05 DIVISION OF PLANT & PROPERTY							
05 BUREAU OF GENERAL SERVICES							
06 HEALTH & HUMAN SVCS BLDG							
STRIKE OUT							
94 BUILDING USE ALLOWANCE				426,386			396,384
INSERT IN PLACE THEREOF				426,386			392,901
94 BUILDING USE ALLOWANCE							
TOTAL					1747,537		1686,464
ESTIMATED SOURCE OF FUNDS FOR							
HEALTH & HUMAN SVCS BLDG							
STRIKE OUT					1747,537		1691,401
01 OTHER AGENCY FUNDS							
INSERT IN PLACE THEREOF					1747,537		1685,918
01 OTHER AGENCY FUNDS					1747,537		1686,464
TOTAL							
TOTAL					4864,626		4761,009
ESTIMATED SOURCE OF FUNDS FOR							
BUREAU OF GENERAL SERVICES							
GENERAL FUNDS					1915,858		1933,720
OTHER FUNDS					2948,768		2827,289
TOTAL					4864,626		4761,009
TOTAL					7427,897		7445,207
ESTIMATED SOURCE OF FUNDS FOR							
DIVISION OF PLANT & PROPERTY							
FEDERAL FUNDS						156,792	156,792
GENERAL FUNDS						2940,041	3028,387
OTHER FUNDS						4331,064	4260,028
TOTAL						7427,897	7445,207

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HB1500

01 GENERAL GOVERNMENT
04 DEPT ADMINISTRATIVE SERVICES
05 DIVISION OF PLANT & PROPERTY

(CONT.)
(CONT.)
(CONT.)

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DEPT ADMINISTRATIVE SERVICES
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

24872,972 25482,614
156,792 406,394
17608,076 18116,832
7108,105 6959,388
24872,972 25482,614

01 GENERAL GOVERNMENT
05 SECRETARY OF STATE
02 ELECTIONS DIVISION

STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES

46,378
122,000

122,000
122,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ELECTIONS DIVISION
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

153,585 155,538
77,963 155,538
153,585 155,538
153,585 155,538

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SECRETARY OF STATE
GENERAL FUNDS
OTHER FUNDS
TOTAL

1645,162 1821,768
1495,559 1666,079
149,603 155,689
1645,162 1821,768

TOTAL

185496,231

196808,197

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HB1500

01 GENERAL GOVERNMENT

(CONT)

ESTIMATED SOURCE OF FUNDS FOR
GENERAL GOVERNMENT
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

28767,242
145552,149
11176,840
185496,231
28675,162
159017,634
11115,401
198808,197

02 ADMIN OF JUSTICE & PUBLIC PRTN
01 JUDICIAL BRANCH
01 SUPREME COURT

INSERT
96 NCSC DUES

20,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SUPREME COURT

3023,608

3286,132

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

3023,608
3023,608
3023,608

3266,132
3286,132
3286,132

02 ADMIN OF JUSTICE & PUBLIC PRTN
01 JUDICIAL BRANCH
02 SUPERIOR COURT

STRIKE OUT
70 IN-STATE TRAVEL
INSERT IN PLACE THEREOF
70 IN-STATE TRAVEL
STRIKE OUT
94 SHERIFF REIMBURSEMENT

187,000
187,000
625,273
175,000
189,000
625,273

AMENDMENTS TO
HB1500

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
02 SUPERIOR COURT

```
(CONT.)
(CONT.)
  (CONT.)
```

INSERT IN PLACE THEREOF
94 SHERIFF REIMBURSEMENT

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
SUPERIOR COURT
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRTN
01 JUDICIAL BRANCH
04 DISTRICT AND MUNICIPAL COURTS

STRIKE OUT
20 CURRENT EXPENSES
INSERT IN PLACE THEREOF
20 CURRENT EXPENSES
TOTAL

ESTIMATED SOURCE OF FUNDS FOR
DISTRICT AND MUNICIPAL COURTS
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
05 STATE WIDE EXPENDITURES

STRIKE OUT
90 LIBRARY

	FISCAL YEAR 1990	FISCAL YEAR 1991
1. Total	100.0	100.0
2. Federal Government	10.0	10.0
3. State Government	20.0	20.0
4. Local Government	70.0	70.0
5. Other	0.0	0.0

625,273	691,823	13027,782
11860,827		

10755,827	11842,232
10755,827	11922,782
11660,827	13027,782

630,437	600,000	
630,437	630,437	
10318,655		11140,592

8768, 655	9560, 155
8768, 655	9590, 592
10318, 655	11140, 592

100,000
75,000

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HB1500

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
05 STATE WIDE EXPENDITURES

(CONT.)
(CONT.)
(CONT.)

INSERT IN PLACE THEREOF
90 LIBRARY

100,000 3965,000 100,000 3915,000

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STATE WIDE EXPENDITURES
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

3965,000 3890,000
3965,000 3915,000
3965,000 3915,000

02 ADMIN OF JUSTICE & PUBLIC PRIN
01 JUDICIAL BRANCH
06 COURT SECURITY

STRIKE OUT
92 SHERIFF REIMBURSEMENT
INSERT IN PLACE THEREOF
92 SHERIFF REIMBURSEMENT
STRIKE OUT
93 SECURITY
INSERT IN PLACE THEREOF
93 SECURITY

120,000 100,000
120,000 120,000
200,000 125,000
200,000 200,000

372,061

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
COURT SECURITY

368,157

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

368,157 277,061
368,157 372,061
368,157 372,061

TOTAL

34217,633

31785,899

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HB1500

02 ADMIN OF JUSTICE & PUBLIC PRIN
03 AGRICULTURE

(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR

AGRICULTURE
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

65,653
1736,503
43,500
1845,656

55,875
1773,483
43,500
1872,858

02 ADMIN OF JUSTICE & PUBLIC PRIN
05 BANK COMMISSION
01 GENERAL SERVICES AND ADMIN

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT

INSERT IN PLACE THEREOF

10 PERSONAL SERVICES - PERMANENT

STRIKE OUT

60 BENEFITS

INSERT IN PLACE THEREOF

60 BENEFITS

STRIKE OUT

70 IN-STATE TRAVEL

INSERT IN PLACE THEREOF

70 IN-STATE TRAVEL

744,357

744,357

220,072

220,072

61,700

61,700

798,963

882,384

256,856

280,072

69,000

75,000

STRIKE OUT

FUNDS IN THIS CLASS LINE ARE RESTRICTED TO
TRAVEL NECESSARY FOR THE PERFORMANCE OF THE
AGENCY'S MISSION AND SHALL NOT BE USED FOR
INSTRUCTIONAL, EDUCATIONAL OR SUCH OTHER
SIMILAR ACTIVITY

INSERT IN PLACE THEREOF

FUNDS IN THIS CLASS LINE ARE RESTRICTED TO

AMENDMENTS TO	PAGE	11	02/14/90	(CONT.)	(CONT.)	(CONT.)	FISCAL YEAR 1990	FISCAL YEAR 1991
HB1500								
02 ADMIN OF JUSTICE & PUBLIC PRTN								
05 BANK COMMISSION								
01 GENERAL SERVICES AND ADMIN.								
TRAVEL NECESSARY FOR THE PERFORMANCE OF THE AGENCY'S MISSION AND SHALL NOT BE USED FOR INSTRUCTIONAL, EDUCATIONAL OR SUCH OTHER SIMILAR ACTIVITY. BANK EXAMINERS TRAVELING TO FDIC SPONSORED TRAINING PROGRAMS ARE EXEMPT FROM THIS FOOTNOTE.								
TOTAL							1312,912	1529,379
ESTIMATED SOURCE OF FUNDS FOR								
GENERAL SERVICES AND ADMIN.								
STRIKE OUT								
09 AGENCY INCOME							1312,912	1416,742
INSERT IN PLACE THEREOF							1312,912	1529,379
09 AGENCY INCOME							1312,912	1529,379
TOTAL							1467,300	1697,739
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
BANK COMMISSION							1467,300	1697,739
OTHER FUNDS							1467,300	1697,739
TOTAL								
02 ADMIN OF JUSTICE & PUBLIC PRTN								
08 PARTI-MUTUEL COMMISSION								
02 RACING LABORATORY								
ESTIMATED SOURCE OF FUNDS FOR								
RACING LABORATORY							394,204	414,167
STRIKE OUT								
09 AGENCY INCOME							394,204	414,167
INSERT GENERAL FUND							394,204	414,167
TOTAL							1581,703	1667,930
TOTAL								

AMENDMENTS TO PAGE 12 02/14/90
HB1500

02 ADMIN OF JUSTICE & PUBLIC PRIN
08 PARI-MUTUEL COMMISSION

(CONT.)
(CONT.)

ESTIMATED SOURCE OF FUNDS FOR
PARI-MUTUEL COMMISSION
GENERAL FUNDS
OTHER FUNDS
TOTAL

1555,468
26,235
1581,703

1641,695
26,235
1667,930

02 ADMIN OF JUSTICE & PUBLIC PRIN
13 LIQUOR COMMISSION
04 MERCHANDISING
02 STORES
01 STORES

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT

6188,150
6358,109

INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT

6197,713
6452,083

STRIKE OUT
20 CURRENT EXPENSES

1278,353
1290,518

INSERT IN PLACE THEREOF
20 CURRENT EXPENSES

1278,753
1324,118

STRIKE OUT
25 RENTS & LEASES TO NON-STATE

1461,948
1330,435

INSERT IN PLACE THEREOF
22 RENTS & LEASES TO NON-STATE

1464,761
1363,685

STRIKE OUT
23 HEAT, ELECTRICITY & WATER

471,975
462,900

INSERT IN PLACE THEREOF
23 HEAT, ELECTRICITY & WATER

473,200
470,800

STRIKE OUT
30 EQUIPMENT

69,136
98,820

INSERT IN PLACE THEREOF
30 EQUIPMENT

69,136
148,820

STRIKE OUT
50 PERSONAL SERVICES - OTHER

1344,052
1427,209

INSERT IN PLACE THEREOF
50 PERSONAL SERVICES - OTHER

1344,052
1437,209

STRIKE OUT
60 BENEFITS

1846,884
2062,299

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

AMENDMENTS TO PAGE 13 02/14/90
HB1500

02 ADMIN OF JUSTICE & PUBLIC PRIN

13 LIQUOR COMMISSION

04 MERCHANDISING

02 STORES

01 STORES

INSERT IN PLACE THEREOF

60 BENEFITS

STRIKE OUT

70 IN-STATE TRAVEL

INSERT IN PLACE THEREOF

70 IN-STATE TRAVEL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STORES

STRIKE OUT

GENERAL FUND

INSERT IN PLACE THEREOF

GENERAL FUND

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
STORES

GENERAL FUNDS

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
MERCHANDISING

GENERAL FUNDS

TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
LIQUOR COMMISSION

GENERAL FUNDS

TOTAL

02 ADMIN OF JUSTICE & PUBLIC PRIN

14 PUBLIC UTILITIES COMMISSION

01 OFFICE OF THE COMMISSIONER

STRIKE OUT

10 PERSONAL SERVICES - PERMANENT

(CONT.)

(CONT.)

(CONT.)

(CONT.)

(CONT.)

1849,328

50,759

50,784

13627,491

13611,021

13627,491

13627,491

13949,206

13949,206

13949,206

14324,301

14324,301

14324,301

18695,390

18695,390

18695,390

FISCAL YEAR 1990

FISCAL YEAR 1991

2089,217

50,422

50,622

14235,978

13980,136

14235,978

14235,978

14557,693

14557,693

14557,693

14953,394

14953,394

14953,394

19520,936

19520,936

19520,936

1570,124

1460,824

AMENDMENTS TO HB1500	PAGE	15	02/14/90			FISCAL YEAR 1990	FISCAL YEAR 1991
03 RESOURCE PROTECT'N & DEVELOP'T 03 RESOURCES & ECONOMIC DEVELOP'T 04 PARKS AND RECREATION 03 SERVICE PARKS				(CONT.) (CONT.) (CONT.) (CONT.)			
INSERT IN PLACE THEREOF							
10 PERSONAL SERVICES - PERMANENT							
STRIKE OUT				286,899		292,331	
60 BENEFITS				154,567		164,061	
INSERT IN PLACE THEREOF							
60 BENEFITS				156,662		164,686	
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
SERVICE PARKS					1919,427		1886,855
STRIKE OUT							
GENERAL FUND					1909,136		1883,982
INSERT IN PLACE THEREOF							
GENERAL FUND					1919,427		1886,855
TOTAL					1919,427		1886,855
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR					8075,505		8493,244
PARKS AND RECREATION							
GENERAL FUNDS					7126,039		7364,405
OTHER FUNDS					949,466		1128,839
TOTAL					8075,505		8493,244
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR					14461,543		15006,895
RESOURCES & ECONOMIC DEVELOP'T							
FEDERAL FUNDS							
GENERAL FUNDS					132,481		136,096
OTHER FUNDS					13269,467		1361,851
TOTAL					1059,595		1257,951
TOTAL					14461,543		15006,895
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR					72940,675		86256,627
RESOURCE PROTECT'N & DEVELOP'T							
FEDERAL FUNDS							
GENERAL FUNDS					25542,881		35986,233
OTHER FUNDS					32206,539		34023,647
FISH AND GAME					5972,319		6398,930

AMENDMENTS TO
HB1500
PAGE 16 02/14/90

03 RESOURCE PROTECTION & DEVELOPMENT

(CONT)

OTHER FUNDS
TOTAL

9218, 936	9847, 817
72940, 675	86256, 627

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
08 TURNPIKES
02 CENTRAL TURNPIKE
01 CENTRAL OPERATIONS

STRIKE	OUT	PERSONAL SERVICES	-	PERMANENT
10	10	IN PLACE THEREOF		
INSERT	10	PERSONAL SERVICES	-	PERMANENT
STRIKE	OUT	PERMANENT EMPLOYEE	OVERTIME	
18	18	IN PLACE THEREOF		
INSERT	18	PERMANENT EMPLOYEE	OVERTIME	
STRIKE	OUT	HOLIDAY PAY		
19	19	IN PLACE THEREOF		
INSERT	19	HOLIDAY PAY		
STRIKE	OUT	PERSONAL SERVICES	-	OTHER
50	50	IN PLACE THEREOF		
INSERT	50	PERSONAL SERVICES	-	OTHER
STRIKE	OUT	BENEFITS		
60	60	IN PLACE THEREOF		
INSERT	60	BENEFITS		

399,043	1580,584
399,043	1599,758
7,162	7,605
7,162	9,422
61,222	82,186
61,222	88,312
230,198	261,694
230,198	316,216
392,684	484,884
392,684	524,433

2653, 278

3534, 852

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
CENTRAL OPERATIONS
STRIKE OUT
TURNPIKES FUND
INSERT IN PLACE THEREOF
TURNPIKES FUND

2653, 278
2653, 278

3313, 660
3534, 852

04 TRANSPORTATION
01 DEPARTMENT OF TRANSPORTATION
08 TURNPIKES
02 CENTRAL TURNPIKE
01 CENTRAL OPERATIONS

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL	2653,278	3534,852	
TOTAL	5408,075	6595,832	
ESTIMATED SOURCE OF FUNDS FOR CENTRAL TURNPIKE TURNPIKES FUNDS		6595,832	
TOTAL	5408,075	6595,832	
TOTAL	39647,601	51022,958	
ESTIMATED SOURCE OF FUNDS FOR TURNPIKES OTHER FUNDS	3572,602	4317,401	
TURNPIKES FUNDS	36074,999	46705,557	
TOTAL	39647,601	51022,958	
TOTAL	268226,696	286168,097	
ESTIMATED SOURCE OF FUNDS FOR DEPARTMENT OF TRANSPORTATION FEDERAL FUNDS	59804,549	59833,956	
GENERAL FUNDS	2775,123	2967,428	
HIGHWAY FUNDS	156780,024	162850,468	
OTHER FUNDS	12792,001	14010,688	
TURNPIKES FUNDS	36074,999	46705,557	
TOTAL	268226,696	286168,097	
TOTAL	268521,312	286455,644	
ESTIMATED SOURCE OF FUNDS FOR TRANSPORTATION FEDERAL FUNDS	59804,549	59833,956	
GENERAL FUNDS	2975,570	3186,313	
HIGHWAY FUNDS	156780,024	162850,758	
OTHER FUNDS	12885,170	14010,688	
TURNPIKES FUNDS	36074,999	46705,557	
TOTAL	268521,312	286455,644	

05 HEALTH AND SOCIAL SERVICES
01 DEPT. OF HEALTH AND HUMAN SVCS
01 HLTH & HUMAN SVCS COMMISSIONER
01 ADMINISTRATION

STRIKE OUT
30 EQUIPMENT

334,532

J

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
04 FAMILY AND COMMUNITY HEALTH			
03 SPECIAL MEDICAL SERVICES			
(CONT.)			
(CONT.)			
(CONT.)			
(CONT.)			
TOTAL	2459,127		2466,539
05 HEALTH AND SOCIAL SERVICES			
01 DEPT OF HEALTH AND HUMAN SVCS			
02 DIV OF PUBLIC HEALTH SERVICES			
04 FAMILY AND COMMUNITY HEALTH			
04 DENTAL HEALTH			
STRIKE OUT	211,928	117,711	
PERSONAL SERVICES - PERMANENT			
INSERT IN PLACE THEREOF	211,928		
STRIKE OUT	26,678	11,552	
CURRENT EXPENSES			
INSERT IN PLACE THEREOF	26,678		
STRIKE OUT	1,986	1,000	
MAINT. OTHER THAN BLDG&GRNDS			
INSERT IN PLACE THEREOF	1,986		
STRIKE OUT	10,862	5,483	
TRANSFERS TO GEN'L SERVICES			
INSERT IN PLACE THEREOF	10,862		
STRIKE OUT	54,169	32,759	
BENEFITS			
INSERT IN PLACE THEREOF	54,169		
STRIKE OUT	10,027	5,000	
IN-STATE TRAVEL			
INSERT IN PLACE THEREOF	10,027		
STRIKE OUT	12,754	16,495	
PATIENT CARE			
INSERT IN PLACE THEREOF	12,754		
TOTAL	337,034		

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

05 HEALTH AND SOCIAL SERVICES				
01 DEPT OF HEALTH AND HUMAN SVCS				
02 DIV OF PUBLIC HEALTH SERVICES				
04 FAMILY AND COMMUNITY HEALTH				
04 DENTAL HEALTH				
ESTIMATED SOURCE OF FUNDS FOR				
DENTAL HEALTH				
STRIKE OUT				
GENERAL FUND		226,512		190,000
INSERT IN PLACE THEREOF		226,512		
GENERAL FUND		337,034		
TOTAL				
TOTAL		13726,025		13641,833
ESTIMATED SOURCE OF FUNDS FOR				
FAMILY AND COMMUNITY HEALTH				
FEDERAL FUNDS		9993,048		9951,779
GENERAL FUNDS		3732,977		3690,054
TOTAL		13726,025		13641,833
TOTAL		23803,239		24202,182
ESTIMATED SOURCE OF FUNDS FOR				
DIV OF PUBLIC HEALTH SERVICES				
FEDERAL FUNDS		12910,284		12946,550
GENERAL FUNDS		8824,646		9094,259
OTHER FUNDS		2068,309		2161,373
TOTAL		23803,239		24202,182
05 HEALTH AND SOCIAL SERVICES				
01 DEPT OF HEALTH AND HUMAN SVCS				
03 DIV FOR CHILDREN & YOUTH SVCS				
01 OFFICE OF DIRECTOR				
01 OFFICE OF DIRECTOR - C & Y				
STRIKE OUT				
PERSONAL SERVICES - PERMANENT			413,357	
INSERT IN PLACE THEREOF			442,559	
STRIKE OUT				
PERSONAL SERVICES - PERMANENT				
STRIKE OUT				
BENEFITS			128,204	
INSERT IN PLACE THEREOF			136,331	
BENEFITS				

(CONT.)
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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
01 OFFICE OF DIRECTOR
D1 OFFICE OF DIRECTOR - C & Y

(CONT.)
(CONT.)
(CONT.)
(CONT.)

TOTAL		
ESTIMATED SOURCE OF FUNDS FOR		
OFFICE OF DIRECTOR - C & Y		
STRIKE OUT		
GENERAL FUND	784,765	880,229
INSERT IN PLACE THEREOF		
GENERAL FUND	769,487	842,900
TOTAL	784,765	880,229
	784,765	880,229

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
01 OFFICE OF DIRECTOR
02 JUVENILE JUSTICE PROGRAM

STRIKE OUT		
80 OUT-OF-STATE TRAVEL	13,374	
INSERT IN PLACE THEREOF		
80 OUT-OF-STATE TRAVEL	13,374	8,277

369,986

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
JUVENILE JUSTICE PROGRAM
STRIKE OUT
FEDERAL FUNDS
INSERT IN PLACE THEREOF
FEDERAL FUNDS
TOTAL

	371,171	
	327,820	327,668
	327,820	335,945
	371,171	369,986
	1155,936	1250,215

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
OFFICE OF DIRECTOR
FEDERAL FUNDS
GENERAL FUNDS
TOTAL

335,945
914,270
1250,215

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
10 YOUTH SVCS AT CONCORD-ADMIN

ESTIMATED SOURCE OF FUNDS FOR
YOUTH SVCS AT CONCORD-ADMIN

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05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
03 DIV FOR CHILDREN & YOUTH SVCS						
05 BUREAU OF RESIDENTIAL SERVICES						
10 YOUTH SVCS AT CONCORD-ADMIN						
STRIKE OUT						
07 AGENCY INCOME					22,418	20,188
INSERT IN PLACE THEREOF					19,970	12,176
07 AGENCY INCOME						
STRIKE OUT						
GENERAL FUND					1157,552	844,553
INSERT IN PLACE THEREOF					1160,000	852,565
GENERAL FUND					1179,970	864,741
TOTAL						
05 HEALTH AND SOCIAL SERVICES						
01 DEPT OF HEALTH AND HUMAN SVCS						
03 DIV FOR CHILDREN & YOUTH SVCS						
05 BUREAU OF RESIDENTIAL SERVICES						
11 IN-PATIENT UNIT						
STRIKE OUT					503,642	
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF					478,642	
10 PERSONAL SERVICES - PERMANENT						
STRIKE OUT					111,204	
50 PERSONAL SERVICES - OTHER						
INSERT IN PLACE THEREOF					101,204	
50 PERSONAL SERVICES - OTHER						
STRIKE OUT					140,115	
60 BENEFITS						
INSERT IN PLACE THEREOF					132,960	
60 BENEFITS						
TOTAL					739,568	
ESTIMATED SOURCE OF FUNDS FOR						
IN-PATIENT UNIT						
STRIKE OUT					781,723	
GENERAL FUND						
INSERT IN PLACE THEREOF					739,568	
GENERAL FUND					739,568	
TOTAL						

(CONT.)
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 (CONT.)
 (CONT.)

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(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
11 IN-PATIENT UNIT

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
12 ADC UNIT

STRIKE OUT 102,751
50 PERSONAL SERVICES - OTHER
INSERT IN PLACE THEREOF 80,900
50 PERSONAL SERVICES - OTHER
STRIKE OUT 102,751
60 BENEFITS 197,256
INSERT IN PLACE THEREOF 167,927
60 BENEFITS 203,445

TOTAL 935,946 996,631
ESTIMATED SOURCE OF FUNDS FOR

ADC UNIT
STRIKE OUT
05 PRIVATE LOCAL FUNDS 522,250
INSERT IN PLACE THEREOF 337,695
05 PRIVATE LOCAL FUNDS 387,292
STRIKE OUT 658,936
GENERAL FUND 996,631
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
13 SPECIAL ED PROGRAM

STRIKE OUT 138,351
50 PERSONAL SERVICES - OTHER

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05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
13 SPECIAL ED PROGRAM

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CONT 1
CONT 1
CONT 1
CONT 1

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INSERT IN PLACE THEREOF - OTHER	138,351
50 PERSONAL SERVICES - STRIKE OUT	
60 BENEFITS	208,469
INSERT IN PLACE THEREOF	
60 BENEFITS	208,469

1127, 131
1249, 347

ESTIMATED SOURCE OF FUNDS FOR
SPECIAL ED PROGRAM

STRIKE OUT		
GENERAL FUND	315,301	265,024
INSERT IN PLACE THEREOF		
GENERAL FUND	315,301	406,311
TOTAL	1127,131	1249,347

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
17 FINCH UNIT

STRIKE OUT	PERSONAL SERVICES - PERMANENT	436,932
10 PERSONAL SERVICES - PERMANENT	408,572	
STRIKE OUT	PERSONAL SERVICES - OTHER	77,522
50 PERSONAL SERVICES - OTHER	67,522	
STRIKE OUT	BENEFITS	120,487
60 BENEFITS	112,473	

599, 856

TOTAL ESTIMATED SOURCE OF FUNDS FOR FINCH UNIT	
1	2
3	4
5	6
7	8
9	10
11	12
13	14
15	16
17	18
19	20
21	22
23	24
25	26
27	28
29	30
31	32
33	34
35	36
37	38
39	40
41	42
43	44
45	46
47	48
49	50
51	52
53	54
55	56
57	58
59	60
61	62
63	64
65	66
67	68
69	70
71	72
73	74
75	76
77	78
79	80
81	82
83	84
85	86
87	88
89	90
91	92
93	94
95	96
97	98
99	100

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----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
03 DIV FOR CHILDREN & YOUTH SVCS
05 BUREAU OF RESIDENTIAL SERVICES
17 FINCH UNIT

(CONT.)
(CONT.)
(CONT.)
(CONT.)

STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

646,230
599,856
599,856

TOTAL

9287,795

ESTIMATED SOURCE OF FUNDS FOR
BUREAU OF RESIDENTIAL SERVICES
GENERAL FUNDS
OTHER FUNDS
TOTAL

10598,414
7500,701
3097,713
10598,414

6113,352
3174,443
9287,795

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIV FOR CHILDREN & YOUTH SVCS
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

50477,647
7350,921
33731,942
9394,784
50477,647

48450,036
7278,750
32077,801
9093,485
48450,036

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
04 DIVISION OF HUMAN SERVICES
02 PROGRAM OPERATIONS
02 MEDICAL SERVICES

STRIKE OUT
10 PERSONAL SERVICES - PERMANENT
INSERT IN PLACE THEREOF
10 PERSONAL SERVICES - PERMANENT
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS
TOTAL

1613,828
1641,986
449,128
456,964

1536,335
1536,335
392,688
392,688

5957,534

6316,559

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HB1500					
05 HEALTH AND SOCIAL SERVICES					
01 DEPT OF HEALTH AND HUMAN SVCS					
04 DIVISION OF HUMAN SERVICES					
02 PROGRAM OPERATIONS					
02 MEDICAL SERVICES					
ESTIMATED SOURCE OF FUNDS FOR					
STRIKE OUT					
MEDICAL SERVICES					
FEDERAL FUNDS			3769,260		3981,945
INSERT IN PLACE THEREOF			3769,260		4008,345
FEDERAL FUNDS			2091,274		2104,620
STRIKE OUT					
GENERAL FUND			2091,274		2114,214
INSERT IN PLACE THEREOF			5957,534		6316,559
GENERAL FUND					
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
01 DEPT OF HEALTH AND HUMAN SVCS					
04 DIVISION OF HUMAN SERVICES					
02 PROGRAM OPERATIONS					
03 SUPPORT ENFORCEMENT					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			2503,306	2597,561	
INSERT IN PLACE THEREOF			2503,306	2752,158	
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT			639,845	722,902	
60 BENEFITS				785,926	
INSERT IN PLACE THEREOF			639,845		
60 BENEFITS					
TOTAL			3622,685		4026,588
ESTIMATED SOURCE OF FUNDS FOR					
SUPPORT ENFORCEMENT					
STRIKE OUT					
FEDERAL FUNDS			2468,221		2601,562
INSERT IN PLACE THEREOF			2468,221		2728,039
FEDERAL FUNDS					
STRIKE OUT			680,619		715,680
GENERAL FUND					
INSERT IN PLACE THEREOF			680,619		786,824
GENERAL FUND					

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HB1500							
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS							
05 DIVISION OF MENTAL HEALTH							
01 ADMINISTRATION							
				(CONT.)			
				(CONT.)			
				(CONT.)			
				(CONT.)			
ESTIMATED SOURCE OF FUNDS FOR							
ADMINISTRATION							
GENERAL FUNDS					30578,733		31241,245
GENERAL FUNDS					72172,238		75653,653
OTHER FUNDS					197,889		200,229
TOTAL					102948,860		107195,027
05 HEALTH AND SOCIAL SERVICES							
01 DEPT OF HEALTH AND HUMAN SVCS							
05 DIVISION OF MENTAL HEALTH							
02 GLENCLIFF HOME FOR THE ELDERLY							
03 MAINTENANCE							
STRIKE OUT							
47 OWN FORCES MAINT-BLDG&GRNDS				G	41,518	18,000	
INSERT IN PLACE THEREOF				G	41,518	23,000	
47 OWN FORCES MAINT-BLDG&GRNDS				G			
STRIKE OUT				G	53,837	10,000	
48 CONTRACTUAL MAINT-BLDG&GRND				G			
INSERT IN PLACE THEREOF				G	53,837	12,500	
48 CONTRACTUAL MAINT-BLDG&GRND				G			
TOTAL					711,237		683,890
ESTIMATED SOURCE OF FUNDS FOR							
MAINTENANCE							
STRIKE OUT							
GENERAL FUND					711,237	676,390	
INSERT IN PLACE THEREOF					711,237	683,890	
GENERAL FUND					711,237	683,890	
TOTAL					3852,424		4163,102
ESTIMATED SOURCE OF FUNDS FOR							
GLENCLIFF HOME FOR THE ELDERLY							
GENERAL FUNDS					3842,476		4153,154
OTHER FUNDS					9,948		9,948
TOTAL					3852,424		4163,102

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05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
02 GLENCLIFF HOME FOR THE ELDERLY

(CONT.)
(CONT.)
(CONT.)
(CONT.)

05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH
04 NEW HAMPSHIRE HOSPITAL
07 ANNA PHILBROOK CENTER

STRIKE OUT
50 PERSONAL SERVICES - OTHER
INSERT IN PLACE THEREOF
50 PERSONAL SERVICES - OTHER
STRIKE OUT
60 BENEFITS
INSERT IN PLACE THEREOF
60 BENEFITS

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
ANNA PHILBROOK CENTER
INSERT
07 AGENCY INCOME
STRIKE OUT
GENERAL FUND
INSERT IN PLACE THEREOF
GENERAL FUND
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
NEW HAMPSHIRE HOSPITAL
FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS
TOTAL

TOTAL
ESTIMATED SOURCE OF FUNDS FOR
DIVISION OF MENTAL HEALTH

235,389

73,360

235,389

120,695

398,940

126,307

398,940

723,769

2210,718

2,448

8,012

644,797

2210,718

721,321

2202,706

723,769

2210,718

33316,440

37399,734

218,671

351,125

3224,653

36480,323

773,116

568,286

33316,440

37399,734

153213,719

162651,079

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05 HEALTH AND SOCIAL SERVICES
01 DEPT OF HEALTH AND HUMAN SVCS
05 DIVISION OF MENTAL HEALTH

(CONT.)
(CONT.)
(CONT.)

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

30897,404
121197,996
1118,320
153213,719

TOTAL

475091,447

514317,165

ESTIMATED SOURCE OF FUNDS FOR
DEPT OF HEALTH AND HUMAN SVCS

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

170942,486
262950,573
51196,386
475091,447

185423,569
276654,951
55192,666
514317,165

TOTAL

478313,569

517760,519

ESTIMATED SOURCE OF FUNDS FOR
HEALTH AND SOCIAL SERVICES

FEDERAL FUNDS
GENERAL FUNDS
OTHER FUNDS

TOTAL

171545,972
254544,435
52323,162
478313,569

187033,055
274510,045
56217,419
517760,519

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

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STATE SUMMARY

TOTAL
ESTIMATED SOURCE OF FUNDS FOR

FEDERAL FUNDS
GENERAL FUNDS
HIGHWAY FUNDS
FISH AND GAME
OTHER FUNDS
SWEETWATER FUNDS
TURNPIKES FUNDS
TOTAL

----- FISCAL YEAR 1990 ----- FISCAL YEAR 1991 -----

1560508.781 1681038.312

355850.576 394862.189
629126.751 673820.272
156780.024 152650.468
5372.319 395808.990
373218.511 395808.723
3585.601 3792.123
36074.999 46702.557
1560508.781 1681038.312

Floor Amendment to HB 1500-A

Amend the bill by replacing paragraph I of section 2 with the following:

I. The following positions in the below listed components and sub-components are abolished forthwith effective on the effective date of this act, or later as specifically indicated:

Budget Number	Position Numbers
01-04-03-02-00	10217, 10228, 10194
01-04-03-04-00	18018
01-04-05-05-01	10141
01-06-02-01	Effective 7/1/90: 11437
01-06-02-03	Effective 7/1/90: 11399
01-07-02-01	14518, 30530
02-02-01-01	10040, 10062
02-04-02-01	10352
02-04-02-06	18494
02-08-02	17124
02-12-06	18460
02-13-04-02-01	Effective 4/1/90: 14121, 14153, 14027, 13992, 30468, 14154, 14232, 14205, 14163, 14168, 14031, 14094, 30474, 14085, 14069, 14125, 13983, 30480, 17089, 17088, 14178, 13993
02-13-05	Effective 4/1/90: 14314, 14274, 14289
02-15-01-01	10507
02-15-02-01	18676
02-15-02-03	10561, 10590
02-15-02-04	18699
02-15-03-01	10525
02-15-03-03	10632
02-15-05-02	10442
02-16-01-01	16310, 16931
02-16-03-03-02	13011
02-16-05-02	30867
02-19-01-00-00	Effective 7/1/90: 18939
03-03-01-01-00	30186
03-03-03-03-01	16756
03-03-03-03-02	18113
03-03-04-03-00	18117
	Effective 7/1/90: 11506
03-03-04-04	Effective 7/1/90: 19120
03-03-04-06-00	11462
03-04-01-02-00	12085
03-04-03-01-01	12087, 12023, 18757

Budget Number	Position Numbers
03-04-03-07-00	12126
04-01-01-01	20005
04-01-01-05	20230
04-01-01-02	20159
04-01-03-06	20048
04-01-03-01	17246, 17254, 17255
04-01-03-04-01	20132
05-01-01-01-00	12284
05-01-01-04-01	12330, 12460, 12372, 14617, 16585, 16594
05-01-01-04-02	12454, 12391, 12404, 12329
05-01-02-01-01	14689
05-01-02-01-03	14765
05-01-02-02-06	14811
05-01-02-03-02	14788, 14606
05-01-02-03-03	14647, 14727
05-01-02-04-03	14702
05-01-02-04-04	30557, 14816
	Effective 7/1/90: 14637, 14685, 14692, 14734, 14746, 14766, 14776, 14803
05-01-03-05-10	17417
05-01-04-01-02	12273
05-01-04-02-02	12467
05-01-04-03-02	12760, 12734, 12740
05-01-04-03-04	12541, 12547, 30297
05-01-05-01-01	14965
05-01-05-01-05	16616
05-01-05-03-02	9U173
05-01-05-04-01	15812
05-01-05-04-02	16458, 16379, 16408
05-01-05-04-04	16194
05-01-06-01-02	17117
06-03-01-03-04	18881
06-03-03-01-00	18884
06-03-05-03-02	13282

Amend the bill by replacing section 4 with the following:

4 Reduction for Department of Health and Human Services.

Amend 1989, 365:20 to read as follows:

365:20 One Percent Reduction. Appropriations made to the department of health and human services, exclusive of boards administratively attached to the department, from the general fund shall be reduced by one percent across the board for [each of] the fiscal [years] **year** ending [June 30, 1990, and] June 30, 1991.

Amend the bill by replacing section 10 with the following:

10 General Fund Appropriation Reduced; Department of State. The department of state, exclusive of administratively attached boards and commissions PAU 01, 05, 06, PAU 01, 05, 08, 01, 01 and PAU 01, 05, 08, 02, and records management and archives, PAU 01, 05, 07, is hereby directed to reduce the state general fund appropriation by \$50,000 in fiscal year 1991. By October 1, 1990, the secretary of state shall notify the department of administrative services as to the specific amounts to be reduced in specified line items in functional units.

Amend the bill by replacing all after section 13 with the following:

14 General Fund Appropriation Reduction; Judicial Branch. The judicial branch is hereby directed to reduce all state general fund appropriations by \$250,000 for the fiscal year ending June 30, 1991. The chief justice of the supreme court or his designee shall, within 15 days of the effective date of this act, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section.

15 Department of Justice; Positions Funded. For the biennium ending June 30, 1991, the attorney general may fund positions #9U036 and #9U044 from funds already appropriated to the department of justice, excluding the salary adjustment fund.

16 Reductions in Department Personnel Authorized. The governor is directed to reduce the number of state department classified and unclassified personnel, in filled positions currently funded partially or wholly with general fund revenue by an amount necessary to effectuate a net general fund reduction of \$6,000,000. In this section, "department" shall mean "department" or "establishment" as defined in RSA 9:1. This section shall apply only to departments which have 10 or more permanent positions. Reductions pursuant to this section shall be conducted in accordance with existing laws and rules of the division of personnel governing state employee layoffs. The governor shall submit a plan to accomplish such reductions to the fiscal committee by April 15, 1990, and shall not implement such plan until he receives the approval of the fiscal committee.

17 Work Plan Required. The commissioner of the department of health and human services shall develop a detailed work plan in order to generate an additional \$10,000,000 in federal and other unrestricted revenue in fiscal year 1991. This plan shall identify specific revenue projects within each division, the tasks necessary and individuals responsible for such tasks, the revenue to be generated from each project, and a detailed timetable for each project's implementation. A report shall be provided to the fiscal committee each month, beginning in May, 1990, on the specific implementation of this plan, and shall include information on revenue targets.

18 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Senator Dupont offered a floor amendment.

Floor Amendment to HB 1500-A

Amend the bill by replacing section 16 with the following:

16 Reductions in Department Personnel Authorized. The governor is directed to reduce the number of state department classified and unclassified personnel, in filled positions currently funded partially or wholly with general fund revenue by an amount necessary to effectuate a net general fund reduction of \$6,000,000. In this section, "department" shall mean "department" or "establishment" as defined in RSA 9:1. This section shall apply only to departments which have 10 or more permanent positions. Reductions pursuant to this section shall be conducted in accordance with existing laws and rules of the division of personnel governing state employee layoffs. The governor shall submit a plan to accomplish such reductions to the house appropriations committee and the senate finance committee by April 1, 1990, for informational purposes and review. The governor shall also submit his plan to the fiscal committee by April 1, 1990, and shall not implement such plan until he receives the approval of the fiscal committee.

Amendment adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: Howard Townsend, who represents the House on my section of the budget, came to me this morning and advised me that they are going to have an individual that is presently full-time at the Department of Agriculture who is getting ready to retire. Basically, as a result of that, they took a look at the possibility of rather than going forward to refill this position which at the present time is necessary, and would be coming in for a waiver to do so that they would, rather than request the waiver to do a full-time position, try to expand the duties of some part-time people over there. This supplemental appropriation basically would allow them to continue this function using part-time help.

Floor Amendment to HB 1500-A

Amend the bill by replacing section 18 with the following:

18 Supplemental Appropriation for Department of Agriculture. In addition to any other sums appropriated to the department of agriculture, the sum of \$10,765 is hereby appropriated for the biennium ending June 30, 1991, to PAU 02-03-04 as follows:

	FY 1990	FY 1991
50 Personal services-other	\$2,000	\$8,000
60 Benefits	153	612
Total	\$2,153	\$8,612

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

19 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: For the members of the Senate, we have passed taxes this afternoon and spending reductions to bring this budget into balance. The final act for us this afternoon is to adopt the revised revenue estimates. These estimates take into consideration the actions that this body has proceeded on this afternoon. If you look on the bottom of the first page, you will see reflected in the year 1990 a new revenue total which amends 365:25, which was last year's section of the budget that dealt with revenue. The same is true for the second page. So in order to balance this budget, you formally have to adopt revenue estimates and this is the final action.

Floor Amendment to HB 1500-A

Amend the bill by replacing section 19 with the following:

19 Revised Revenue Estimates; 1990 and 1991. The revenue estimates for fiscal years 1990 and 1991 as inserted by 1989, 365:25 are repealed and reenacted to read as follows:

365:25 Estimates of Unrestricted Revenue.

GENERAL FUND	1990	1991
Beer \$ 12,475,000 \$ 13,850,000		
Board and Care	15,475,000	16,300,000
Business Profits Tax	114,000,000	119,700,000
Estate and Legacy Tax	29,500,000	29,500,000
Insurance	44,000,000	46,000,000
Interest and Dividend Tax	38,000,000	40,000,000
Liquor	56,465,000	60,100,000
Meals and Room Tax	85,775,000	95,775,000
Parks Income	6,725,000	7,400,000
Dog Racing	7,725,000	7,725,000
Horse Racing	3,565,000	4,075,000
Real Estate Transfer Tax	37,125,000	34,050,000
Communications Tax	14,800,000	24,200,000
Cigarette Tax	39,200,000	44,550,000

Utilities	9,500,000	10,000,000
Other	44,500,000	47,300,000
Courts	22,000,000	23,650,000
Savings Bank Tax	12,500,000	13,000,000
Total	\$593,330,000	\$637,175,000

HIGHWAY FUND	1990	1991
Gasoline Road Toll	\$ 83,750,000	\$ 93,230,000
Motor Vehicle Fees	56,500,000	59,100,000
Miscellaneous	8,950,000	9,350,000
Total	\$149,200,000	\$161,680,000

FISH AND GAME FUND		
Fish and Game Licenses	\$ 5,550,000	\$ 5,870,000
Fines and Penalties	70,000	70,000
Miscellaneous Sales	150,000	150,000
Indirect Costs	150,000	125,000
Total	\$ 5,920,000	\$ 6,215,000

20 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

SENATOR JOHNSON: I will vote for this budget amendment because time and circumstances require that I do. However, I do so with a number of understandings. The first one is that the action taken today will not be the last word. That the legislature will revisit this budget. Secondly, that the Senate President has told me that he will join Senator Heath and me in our effort to collect the estimated \$10 million that is owed to the State in unpaid fines and faults. I want the Senate to know that Senator Heath and I first called Judge Brocks' attention to this issue in a March 31, 1989 letter. We met with Judge Brock on April 14, 1989 and there has been a good deal of correspondence between and among the interested parties including the Director of Motor Vehicles. Some progress has been made. However, on January 29, 1990, the Supreme Court report to the Legislative Fiscal Committee shows that the outstanding defaults for 1988 and 1989 total 31,197 defaults with their estimated value of 2.5 million dollars. The same report showed the December 31, 1989 time payments receivable amounted to 1.8 million dollars. That same report shows that \$471,342 was defaulted during the last three months of calendar 1989. There is pending legislation that will strengthen our collection process. But, in the meantime, I am calling upon the court system and our law enforcement systems, state, county and local, to collect the millions of dollars owed to the State of New

Hampshire, so that the legislature can reduce the tax burden on the already overburdened property tax payer. I would like to make a comment about the public defenders. Thousands of dollars are being paid to public defenders on behalf of defendants who are easily and routinely getting the services of public defenders. I think we all know that this body has faced the task of trying to close off that valve. But apparently, we have been unsuccessful. Many of these defendants have the ability to repay the State and are in fact ordered to do so by the court. But here again, we have a major default problem. The State is not being paid the money due. One final comment about State employee layoffs. I have talked to state employees both SEA members and non-members, with a senior bank official, with an economist, with the owner of my local hardware store, and with a Seabrook employee. They all agree that a wage freeze would be preferable to a layoff of 200 to 250 state employees. They made the point that laying off people in a crisis mode would likely result in indiscriminate layoffs. The wrong people might be laid off as opposed to ones I pointed out earlier today. The real doers could be laid off. That bumping turmoil could result, and one person said that it is better that we all bend a little so that no one has to break.

SENATOR KRASKER: I will be very brief. I am going to vote for this budget today, because I know the difficult decisions that went into formulating this budget. But awhile back, I remember hearing our Governor say that we were going to balance this budget without cutting into any essential state services. And I can't vote for this budget without refuting what we have done. We have given up the dental program so that we can fund CHINS, CHINS for teeth. We funded pre-natal care and we have given up catastrophic illness. I could go on and on. I know that the members of this Senate are as distressed as I am over this, but I think we certainly should lay out the facts as they exist. It is my intention and I know it is the intention of other members of this Senate to do all we can in the next few months to find the funding to reinstate programs that are absolutely essential for the people of this State.

SENATOR PODLES: The essential services that we funded in this budget are not frills and the people that rely on them are not special interests. This budget will continue to provide necessary services to the people of New Hampshire. Sometimes, we are willing but not eager to raise taxes. In this case, it is needed to balance the budget. The layoff of 250 employees disturbs me and it is a great concern of mine. It will impact a lot of families and will create a hardship for many people. Jobs are important to people. I would have preferred that no raises be given to state employees or offer early retirements

to those wishing to do so. The dollar amounts would be the same, but please not 250 jobs. Aside from this concern, this is a reasonable operating budget and it ought to pass.

SENATOR MCLANE: Senator Krasker and Senator Podles have spoken eloquently and said what I wished to say. I have had passed out today the Concord Monitor editorial and I would commend it to all of you.

SENATOR HEATH: I started out at the beginning of this session by saying that I couldn't support the direction that we were going in and I didn't expect to prevail. I haven't prevailed in many cases. I spoke against 250 and that passed here and went down and I guess essentially I prevailed, but I don't know if I prevailed. I support this measure of this budget even though I can't vote for the entire package. But the truth of the matter is that whether we get rid of 200 employees or not is quite beside the point. Because under the system that we have, the right 200 won't be gone. There are 200 employees, at least, in our very large state government that if they were gone tomorrow, nobody would notice a difference. Unfortunately, those people will still be with us, because of the rules. Finally, I want to say, because there is always the misinterpretation when a conservative stands up and talks against taxes and talks against bureaucracy and talks against spending that we have no compassion for the people. That we don't care about the ill and people who are facing misfortune, who are in trouble, who have catastrophic diseases. That isn't true. It isn't true in my case and I don't think it is true in anybody's case. My point has been, through this process, that we shouldn't fund foolishness. We shouldn't fund waste. If we didn't fund foolishness and waste as we have in this budget and continually because of the process and apparently unable to weed that out, that we have to sort of build in a 20 percent fat factor every time we do this. If we didn't have to fund that, we could do so much more for those people who most need it and most deserve it with so much less pain to the people. There is pain to the taxpayer when you keep loading them up with these things. It isn't this little bit so much as it is this little bit on top of that little bit and what we will be doing next year and the year after. Because you are growing a budget by geometric proportions. Collectively, I don't think a lot of you want to do it. I think a lot of you, because of private remarks you have made to me, feel the same as I do but the process has sucked you in. The process has drawn all of us in to do things that we would not individually, anybody in this room, build this kind of a situation, this kind of government, this kind of inefficiency, and this kind of waste. We would all be more compassionate, individually, if we could

design the budget and the system much better. I don't know that this is a battle with everyone, but I ask you think because we are going to be in crisis next year and the year after unless I am greatly surprised. Think about some reforms that we can do to perfect what we have, before we move on and gather more things and put another waste factor on top of that.

SENATOR JOHNSON: Senator Heath, would you agree with Representative Hall's estimate that we are going to need another 100 million dollars for the fiscal years for the coming biennium?

SENATOR HEATH: I can't honestly answer that. Because need is the key word there. I think we will need more than that if we are talking about substantially leaving the state of affairs alone.

SENATOR JOHNSON: Further question, strike out the need there and I'll rephrase the question. Would you agree that there is a hundred million dollars that is essentially built into the structure of state government?

SENATOR HEATH: I would and I would also believe that a lot of the revenues that we purport to have raised today won't come in at the rate that they are expected to. When you jack prices up, business goes down. Whether people quit smoking, as Senator McLane would like, or that they quit buying cigarettes in the enormous quantity that they do in New Hampshire, in any case I think that will tend to flatten. I think beer sales will tend to flatten. Perhaps driving will flatten a little, and that those revenue estimates will not come true.

SENATOR CHARBONNEAU: This has been one of the most difficult days that I have had today, since I have been in the Senate. I have never voted for taxes. But we just don't have any other way. Yes, I am concerned about the lay-offs. Sure, this is going to affect a lot of people. I am concerned about the kids here in the State of New Hampshire. They do have needs. But we have no choice. I hope that we can solve this problem so that we will not go into more debt and we will be able to take the people that are out there and that need all this help.

SENATOR PRESTON: I made a speech earlier that we have got to be responsible and participate and so forth. And I just reminded my colleagues that this is a budget adjustment and it is not over until it is over. As you know, I had several amendments that you suggested and maybe we should present at a later time that would be referred to as revenue neutral bills. I am convinced for those concerns for some of the special interests that if we address the court fines bill, a

bill I co-sponsored with some other Senators, as to where those monies should go or if we put a freeze on the top four unclassified positions, I am convinced that those who are hanging on by their fingernails and concerned that it is not over until it is over. Before this session is over, we will address some of those areas that everyone shares a concern about.

SENATOR BARTLETT: To make it perfectly clear, we are going to be here for another two months and that people who have bona fide ways to make this State better off financially, this body will be pleased to listen to those in any manner. We need positive statements that will help this State.

SENATOR STEPHEN: Now that you have talked about positive statements, I thought I had a positive statement that was heard in the Ways and Means. Listening today with all these taxes that we are about to raise and tax people, I have to say that I would be also against this budget. But at a time when the State of New Hampshire is experiencing its worst financial crisis in ten years I find it extremely frustrating that members of this Senate and the Ways and Means Committee, in particular, have seen fit not to explore new sources of legitimate revenue for our State budget. I offered an amendment before the Ways and Means Committee on Tuesday which would have raised six million dollars for this budget. It was defeated without comment by a vote of 7 to 1. As the House and Senate look for ways to balance our budget, I find it especially distasteful that we as members of this legislature will decide to balance this budget on the backs of the working people of this State. If you own a phone, we will tax you. If you buy a home, we will tax you. If drink or smoke, we will tax you. If you eat in a restaurant, we will tax you. If you work for the State, you are fired. The Senate President stated that there are no sacred cows in balancing this budget. I contend that there is a sacred cow. And that cow is grazing on the grass at the infield of Rockingham Park. It is time to solve the State's biggest unsolved mystery. Why is the state budget being balanced unfairly as some Senators protect the untouchable, sacred cows trotting around Rockingham Race Track pulling a cart of six million dollars of available revenues. In the full biennium, it would be nine million dollars. My proposal would have raised revenue without raising taxes for the working people of our State. My proposal did not effect the return to the average bettor. My proposal did not attempt to balance the budget on the backs of the neediest. What mystifying power does this track hold over our State Senate that would prompt it to hurt the working people, to hurt the families of our loyal state employees and to cut the programs for the neediest, before touching one red cent of gambling profits.

SENATOR JOHNSON: Senator Stephen, you talked about sacred cows grazing on the infield of Rockingham, isn't that the same race track that I have often gone to in the past, and saw horses?

SENATOR STEPHEN: I believe that is the only race track in New England now that has thoroughbred racing. That is the sacred cow.

The Question is, shall the bill be ordered to Third Reading?

Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1500** on Third Reading and Final Passage, that the title be the same as adopted and that the bill be passed at the present time.

Adopted.

NOTICE OF RECONSIDERATION

Senator Dupont moved reconsideration on **HB 1500**.

Motion failed.

THIRD READING AND FINAL PASSAGE

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991.

COMMITTEE REPORT

SB 367-FN, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988, relative to medical and surgical benefits for the children of deceased group II members, and relative to accidental death benefits.

Ought to Pass with Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: We have deleted the first sentence of the amended analysis and the rest of it as it reads the bill provides that the offset provisions for workers' compensation, accidental death benefits under RSA 100A-8 shall not apply in the case of a group II member who dies a natural and proximate result of injuries received while in the performance of his duty. The bill adds, "upon meeting specified requirements, certain children and surviving spouses of deceased group II members, the list of individuals eligible to receive medical benefits from the New Hampshire retirement system."

Committee amendment failed.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: After going over some actuarial figures today on the committee amendment, we discovered that the first section had some values in it that were unanticipated, so the floor amendment merely takes out the very first section that we just passed. I believe the additional costs which dealt with disability retirement benefits, extending them for another two years, to another class of people had a cost of around 900 thousand dollars. That is all my amendment does, it just takes that section out.

Floor Amendment to SB 367-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Offset Provision; Accidental Death Benefits. Amend RSA 100-A:8 by inserting after paragraph III the following new paragraph:

IV. The offset provisions of paragraph III shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty. In this case any amounts paid or payable under the provisions of any workers' compensation or similar law on account of the death of the member shall not be offset against or payable in lieu of any state annuity payable under the provisions of this section on account of the same death.

2 Payment of Medical Benefits to Children and Spouses. Amend RSA 100-A:52, I by inserting after subparagraph (d) the following new subparagraphs:

(e) The children of a deceased group II member who are under 18 years of age, or under 23 years of age if attending school on a full-time basis; provided that the deceased group II member dies as the natural and proximate result of injuries received while in the performance of his duty.

(f) The surviving spouse of a deceased group II member when the member dies as the natural and proximate result of injuries obtained while in the performance of his duty.

(g) The surviving spouse without dependent children of a deceased group II member who meets the qualifications of this para-

graph; provided, however, that medical benefits for the surviving spouse under this paragraph shall terminate upon the remarriage of the surviving spouse.

(h) The dependent children of a surviving spouse of a deceased group II member who meets the qualifications of this paragraph; provided, however; that the cost of medical benefits for the children under this paragraph shall only be paid if the children do not receive or medical benefits are not otherwise available from any other source.

3 Medical Benefits for Group II; Limiting Payments by State. Amend RSA 100-A:52, II to read as follows:

II.(a) However, the maximum amount payable by the retirement system for any one-person premium shall not exceed the cost of a one-person premium in the state employees' plan, and the maximum amount payable by the retirement system for any 2-person or family premium shall not exceed the cost of a 2-person premium in the state employees' plan except that in the case of a handicapped dependent child qualified under subparagraph I(d) the retirement system shall pay an additional amount up to the additional premium for such child in the state employees plan.

(b) Beginning on July 1, 1990, and notwithstanding any other provision of this section or any other law to the contrary, in the case of all group II members the New Hampshire retirement system shall only pay the cost of medical benefits, as described in subparagraph (a), at a level equal to what such costs were as of July 1, 1988, plus an increment of 8 percent. Any retired state employee group II member shall, however, be provided the same benefit as any other state employee as provided in RSA 21-I:26 through 21-I:36 and as provided in RSA 100-A:52, III.

4 Application. The provisions of sections 1 and 2 of this act shall apply to any surviving spouse or child who would have qualified under sections 1 and 2 if those sections had been in effect at the time the member died.

5 Effective Date.

I. Sections 1, 2, and 4 of this act shall take effect upon its passage.

II. Section 3 of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

The bill provides that the offset provisions for workers' compensation, accidental death benefits under RSA 100-A:8 shall not apply in the case of a group II member who dies as the natural and proximate result of injuries received while in the performance of his duty.

The bill adds, upon meeting specified requirements, certain children and surviving spouses of deceased group II members to the list of individuals eligible to receive medical benefits from the New Hampshire retirement system.

Beginning on July 1, 1990, the bill also limits the level of medical benefits which the New Hampshire retirement system shall pay for group II members. The payment of costs is limited to a level equal to existing costs as of July 1, 1988, plus an 8 percent increase. The state pays the excess cost.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Roberge moved to remove **SB 325**, relative to construction mortgage holder's fiduciary duties to mechanic's lienholders at foreclosure sales from the table.

Adopted.

Senator Roberge offered a floor amendment.

SENATOR ROBERGE: SB 325 an update of the mechanic's lien law is an issue of fairness that must be addressed now. The existing mechanic's lien law is totally ineffective at foreclosure. I have here a copy of our state newspaper. This represents three days of legal notices in one newspaper. There are eleven pages of legal notices, and this is only the surface of the problem. Because behind these foreclosures are the destroyed lives, businesses of small contractors, working men and women, many of whom never thought they were taking a risk. Why is the existing law unfair? Because at foreclosure, the first mortgage lien holder distributes the proceeds to themselves. Small builders and contractors lose possession of their goods, supplies and their labor. Banks have to assume responsibility. This is an issue of fairness that won't go away. SB 325 will be studied by two Senators, two House members, two members of the New Hampshire Bankers Association, and two members of the building industry. A report will be issued and recommendations for new legislation will be made for the 1991 session. I urge passage of SB 325 as amended.

Floor Amendment to SB 325

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established.

I. There is established a committee to study the law of mechanics' liens and the foreclosure of mortgages.

II. The committee shall consist of the following:

(a) One senator from the senate judiciary committee, appointed by the senate president.

(b) One senator from the senate banks committee, appointed by the senate president.

(c) One representative from the house commerce, small business, and consumer affairs committee, appointed by the speaker of the house.

(d) One representative from the house judiciary committee, appointed by the speaker of the house.

(e) Two representatives of the building industry, appointed by Associated Builders and Contractors.

(f) Two representatives of the banking industry, appointed by the New Hampshire Bankers' Association.

III. Only legislative members shall have the right to vote. Legislative members shall receive legislative mileage at the legislative rate.

IV. The committee shall meet within 30 days of the effective date of this act. The committee shall choose a chairperson at its first meeting. The first meeting shall be called by the senate judiciary member.

V. The committee shall submit a report of its findings and recommendations for legislation to be introduced in the 1991 legislative session to the senate president and the speaker of the house on or before October 1, 1990.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the law of mechanics' liens and the foreclosure of mortgages.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Roberge moved to remove **SB 399-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws from the table.

Motion failed.

Senators Johnson, Podles, and Roberge wished to be recorded as in favor of removing **SB 399-FN** from the table.

REMOVED FROM THE TABLE

Senator Krasker moved to remove **SB 361** relative to radon gas from the table.

Adopted.

Senator Krasker offered a floor amendment.

SENATOR KRASKER: During the previous debate on this bill, I think Senator Bond and Senator Bass and I addressed the dangers of both radon and lead paint poisoning. There were objections to the wording of the amendment as presented by the committee because the notification had to be included in the purchase sale agreement. We worked very hard during the last week to take care of those objections. The purchase sale agreement section is gone. Instead, we are asking that real estate brokers and sellers merely provide when there is a sale these pamphlets, lead poisoning and radon gas pamphlets, which are available from the Division of Public Health. I hope we have met all of the objections of those who had a concern and I would urge you in the interest of protecting people from radon and lead poisoning to pass this.

SENATOR PRESTON: I appreciate the work that Senator Krasker and Attorney Murphy have put into this. I have no objection if it is just a matter of notification and it does in my mind remove the liability that we were placing on potential sellers, especially those in private sales and so forth. It would have been totally unfair. I have no objection to providing notice by brochure.

SENATOR BASS: I want to commend Senator Krasker for her diligence in working on this thing in the face of tremendous resistance on the part of the Senate. I think that this bill has been watered down to a point where it is virtually an embarrassment rather than meaningful legislation. But I understand the reality of the situation and I hope that the House has a little bit more spine to deal with what is a very substantial problem that we face here in New Hampshire that affects all of its residents.

Floor Amendment to SB 361

Amend the title of the bill by replacing it with the following:

AN ACT

relative to radon gas and lead paint.

Amend the bill by replacing all after the enacting clause with the following:

1 Reference Change. Amend the chapter title of RSA 130-A to read as follows:

CHAPTER 130-A

LEAD PAINT [POISONING PREVENTION AND]

AND RADON GAS CONTROL

2 New Subdivision; Notification of Radon Gas and Lead Paint. Amend RSA 130-A by inserting after section 9 the following new subdivision:

130-A:10 Notification of Radon Gas and Lead Paint; Notification of Radon Gas and Lead Paint Required.

I. By January 1, 1991, notification to a prospective purchaser of any building shall be provided by delivering to such prospective purchaser copies of the brochures relative to lead paint and radon provided by the division of public health services.

II. It shall be the obligation of the real estate broker to provide notification by the means listed in paragraph I. If no real estate broker is involved the seller shall provide such notification.

3 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires that copies of the brochures available from the division of public health services relative to radon and lead paint be provided to a prospective buyer of any building. It shall be the obligation of the real estate broker to provide such brochures. If no real estate broker is involved, it shall be the obligation of the seller.

Amendment adopted. Ordered to third reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bill sent down from the Senate:

HB 1505-FN-A, relative to motor vehicle road tolls and fees and a gasoline floor tax.

HB 1502-FN-A, increasing the beer tax.

HB 1170-FN, to increase the real estate transfer tax for the bien-nium ending June 30, 1991.

HB 1390-FN-A, to impose a communication services tax and making an appropriation therefor.

HB 1501-FN-A, relative to state revenues and expenditures.

HB 1500-A, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991.

ENROLLED BILLS REPORT

HB 563, relative to land surveyors and condominiums.

HB 674, relative to the Catastrophic Aid Act.

Senator Currier for the committee.

Adopted.

ENROLLED BILL AMENDMENTS

Enrolled Bill Amendment to HB 108-FN

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect January 1, 1991.

Senator Currier for the committee.

Adopted.

RESOLUTION

Senator Dupont moved that the rules of the Senate be so far suspended as to allow all bills to be placed on third reading and final passage, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1503, relative to certain general fund fees and revenues and certification of waste water treatment plant operators.

SB 367, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits.

SB 325, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

SB 361, relative to radon gas and lead paint.

RESOLUTION

Senator Dupont moved that according to the Joint Rule 10a any Senate Bill left in committee or Laid on the Table shall by this resolution be made Inexpedient to Legislate.

Adopted.

KILLED BY RESOLUTION

SB 399-FN, lowering the level from .10 to .08 for legal intoxication under the DWI laws.

HOUSE MESSAGE

The House of Representatives is ready to meet in Joint Convention for the purpose of listening to remarks by the Governor, His Excellency, Judd Gregg.

Adopted.

RESOLUTION

Senator Dupont moved that the Senate be in recess to the call of the chair for the sole purpose of introducing legislation, referring bills to committee, scheduling hearings, and enrolling bills.

Adopted.

Senator Dupont moved to recess.

Adopted.

Recess.

Out of Recess.

ENROLLED BILLS REPORT

HB 1038, relative to revenue raising measures and certain appropriations.

HB 1170, to increase the real estate transfer tax for the biennium ending June 30, 1991.

HB 1390, to impose a communications service tax and making an appropriation therefor.

HB 1501, relative to state revenues and expenditures and relative to certain general fund fees and revenues.

HB 1502, to increase the beer tax for the biennium ending June 30, 1991.

HB 1504, increasing the tobacco tax.

HB 1505, relative to motor vehicle road tolls and fees and a gasoline floor tax.

HB 1500, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991.

Senator Currier for the committee.

Adopted.

Recess.

February 15, 1990

Out of Recess.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1003 through 1438 and HCR 11 and 12 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1003, relative to prima facie speed limits on local roads. (Transportation)

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Dev, Rec & Env)

HB 1017-FN, relative to vendor check cashing policies. (Banks)

HB 1018-FN, relative to the penalties for bail jumping. (Judiciary)

HB 1027-FN, establishing a black bear management program and requiring a special bear license. (Dev, Rec & Env)

HB 1050-FN, relative to "junk fax". (Public Affairs)

HB 1052, authorizing withdrawal of water from Lake Sunapee and Echo Lake for the ski resorts. (Dev. Rec & Env.)

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor. (Exec. Depts.)

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians. (Judiciary)

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor. (Int. Affairs)

HB 1074, relative to annual audits of consumer cooperative associations. (Public Affairs)

HB 1083, establishing speed limits for the operation of OHRVs. (Transportation)

HB 1084-FN, relative to continuing care communities. (Pub. Institutions, H & HS)

HB 1106-FN, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings. (Insurance)

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud. (Judiciary)

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels. (Pub. Institutions, H & HS)

HB 1117, relative to children attending camp facilities. (Pub. Institutions, H & HS)

HB 1118, relative to the disabled. (Pub. Institutions, H & HS)

HB 1120, relative to notice of insurance cancellation. (Insurance)

HB 1128-FN, requiring licensure of out-of-state mail order pharmacies. (Pub. Institutions, H & HS)

HB 1129-FN-A, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor. (Dev, Rec & Env)

HB 1143, relative to registration and operation of OHRVs. (Transportation)

HB 1152, relative to confidentiality of information regarding videotape rentals. (Int. Affairs)

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law. (Insurance)

HB 1156, relative to the order of the placement of candidates' names on ballots. (Pub. Affairs)

HB 1157-FN, relative to capital murder. (Judiciary)

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors. (Exec. Depts.)

HB 1162-A, relative to the railroad banking program. (Transportation)

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor. (Finance)

HB 1172-FN, relative to the physical condition of drivers. (Transportation)

HB 1174-FN, relative to laws regarding children and minors. (Pub. Institutions, H & HS)

HB 1178-FN-A, relative to marital masters and making an appropriation therefor. (Finance)

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations. (Cap. Budget)

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor. (Exec. Depts)

HB 1194-FN, relative to costs of court-ordered services for or placement of minors and children and relative to liability of expenses for minors and children. (Judiciary)

HB 1196-FN, establishing a legislative study committee relative to wetlands board matters. (Dev, Rec & Env)

HB 1216-FN, relative to video tape depositions of children. (Judiciary)

HB 1218-FN, relative to defense and indemnification of bail commissioners. (Judiciary)

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup. (Dev, Rec & Env)

HB 1225-FN-A, to define “retired state employee” for state employee group insurance purposes. (Insurance)

HB 1229-FN, relative to organizational and personnel changes within the department of corrections. (Exec. Depts.)

HB 1231-FN, relative to the 10-year state highway plan and the governor’s advisory commission on highways. (Cap. Budget)

HB 1234-FN, relative to guardian’s authority to admit to institutions. (Judiciary)

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children. (Judiciary)

HB 1250-FN, relative to employees of the dog and horse racing industry. (Insurance)

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services. (Exec. Depts)

HB 1254, relative to smoking in laundromats and on buses. (Pub. Institutions, H & HS)

HB 1257, relative to motor vehicle road tolls. (Transportation)

HB 1259-FN, relative to the unclaimed and abandoned property act. (Pub. Affairs)

HB 1261-FN, relative to data collection from ambulatory care facilities. (Pub. Institutions, H & HS)

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures. (Judiciary)

HB 1276, relative to sales of motor vehicles. (Internal Affairs)

HB 1278-FN, relative to senior assistant attorneys general. (Exec. Depts.)

HB 1282-FN, relative to licensing of nondepository first mortgage bankers and brokers. (Banks)

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same. (Pub. Affairs)

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel. (Education)

HB 1289-FN, relative to DWI offenses. (Judiciary)

HB 1295-FN-A, appropriating oil overcharge funds. (Internal Affairs)

HB 1299-FN, relative to enhanced sentences for "hate crimes". (Judiciary)

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects. (Public Affairs)

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire. (Insurance)

HB 1309, authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snowmaking. (Dev, Rec & Env)

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system. (Insurance)

HB 1312-FN, relative to employee prescription drug benefits and health care centers. (Pub. Institutions, H & HS)

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel. (Transportation)

HB 1326-FN, relative to the sale or lease of certain institutional lands. (Internal Affairs)

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor. (Exec. Depts.)

HB 1348-FN-A, relative to access to health care for the uninsured and making an appropriation therefor. (Insurance)

HB 1350-A, increasing the appropriation for constructing regional vocational education centers. (Education)

HB 1351, relative to employment termination. (Public Affairs)

HB 1353-FN, relative to the oversight committee on health and human services. (Pub. Institutions, H & HS)

HB 1360-FN, relative to the regulation of private detectives. (Exec. Depts.)

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. (Cap. Budget)

HB 1376-FN, relative to a public water rights report and advisory committee. (Dev, Rec & Env)

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges. (Dev, Rec & Env)

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges. (Exec. Depts.)

HB 1383-FN, relative to drug and alcohol education, prevention, and student assistance counseling and referral programs. (Pub. Institutions, H & HS)

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. (Insurance)

HB 1386-FN, relative to child support enforcement. (Judiciary)

HB 1387-FN, relative to protecting the quality of surface waters. (Dev, Rec & Env)

HB 1394-FN, relative to the election of optional retirement allowances. (Insurance)

HB 1397-FN, relative to hiring a toxicologist to perform drug testing and making an appropriation therefor. (Pub. Institutions, H & HS)

HB 1405-FN-A, relative to sludge and septage management programs. (Dev, Rec & Env)

HB 1406-FN, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste. (Dev, Rec & Env)

HB 1409-FN, relative to workers' compensation and making an appropriation therefor. (Insurance)

HB 1415, relative to OHRV safety and training. (Transportation)

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies. (Pub. Institutions, H & HS)

HB 1422-FN, permitting tinted glass in motor vehicle windshields and side windows for medical reasons. (Transportation)

HB 1426-FN, relative to surrogacy. (Judiciary)

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board. (Exec. Depts.)

HB 1438, relative to the goals and objectives for reduction of solid waste. (Dev, Rec & Env)

HCR 11, relative to rural hospitals. (Pub. Institutions, H & HS)

HCR 12, relative to the AIDS virus. (Pub. Institutions, H & HS)

Recess.

Out of Recess.

LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjournment.

March 6, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. May the Lord bless you all and hope you had a fruitful and restful recess.

Help us now Lord, to be just and ready for the controversial bills with which we are faced. I ran into some of our secretaries downstairs and they said, "Father how about giving us a prayer because we are loaded up," so here we go! Lord, help us secretaries and bless them we heavenly beseech Thee. Oh lord! Here's something I can't refuse to mention maybe there should be a political obedience school for politicians who renege on there campaign promises!

Amen

Senator King led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RECONSIDERATION

Senator Bond served notice of reconsideration on **HB 1503-FN**, relative to certain general fund fees and revenues and certification of waste water treatment plant operators.

VACATE

Senator Bond moved to vacate **HB 1429**, relative to excavation, quarrying, and mining from Development, Recreation and Environment Committee to Internal Affairs Committee.

Adopted.

Recess.

Out of Recess.

COMMITTEE REPORTS

HB 355, relative to the African Development Bank.

Ought To Pass. Senator Dupont for the committee.

SENATOR DUPONT: You have before you HB 355, which was heard in Senate Banks prior to our break. Basically, what it does is it allows the African Development Bank to be an approved investment for domestic insurance companies and financial institutions. It also, for your information, approved investments for the New Hampshire Retirement System to follow those of domestic life insurance companies so when you pass this, you are, basically, also allowing public employee retirement systems to invest in the African Development Bank. It doesn't say that they have to. It merely allows them to make this investment and establishes a standard that those investments will be amongst the three highest ratings by one or more rating services. It is a very simple bill and the committee heard no opposition to it.

Adopted. Ordered to Third Reading.

Recess

Out of Recess

Senator Dupont in the Chair.

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control.

Ought to Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: HB 149-FN which was re-referred in the last session and has just to us come from the House is a request from the Division of Water Supply and Pollution Control. It provides the authority for Division to grant operational permits for public water systems and set a fee category for community and noncommunity

systems. That fee is based upon the time demands placed by such a system upon the Department. So that those systems which have engineering personnel which operates their systems and do not demand as much time are proportionately lower then the amount of the fee for noncommunity and non-transmit type of system. It also adds seven permanent classified positions to the Division's Engineering Bureau which would be funded by these fees. That is covered by Section 8 of the bill which you will find amended on page 11 of today's calendar. That establishes what the positions are that would be allowed. We, the committee, recommend as a matter of policy this be passed and it go to Finance.

SENATOR DISNARD: Senator, my question is for the purpose of getting a point of view across. Would you believe that I had a call last night from an irate constituent of mine who was encouraged by the Department of the State to have a farm pond to help the environment, to help the wildlife, to protect the area and because he has a dam to collect the water, he has been charged a \$50 tax from the Water Resource Board. Would you believe that?

SENATOR BOND: Senator Disnard, I would believe that we gave that authority to the Water Resource Board to do just that to raise funds for the State.

Amendment to HB 149-FN

Amend RSA 485:41, VIII as inserted by section 4 of the bill by replacing it with the following:

VIII. Adopt a fee system for the issuance of an operational permit for public water systems subject to this chapter. The division shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems shall be \$1,800 per 3-year period. The fee category for nontransient and noncommunity systems shall be \$600 per 3-year period. All fees shall be paid to the division for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the salary, benefits and expenses for the following permanent full-time employees in the division's engineering bureau and for said purpose are hereby continually appropriated: one administrator IV; one civil engineer VI; one environmentalist IV; 2 environmentalists III; one administrative secretary supervisor; and one word processor II. Any revenues generated in excess of the costs of funding these new positions shall be used to offset the general fund appropriation for the water supply engineering bureau.

Amendment adopted. Referred to Finance (Rule #24)

HB 363-FN, relative to the issuing of trapping licenses.

Ought to Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: HB 363-FN requires a person to satisfy specific requirements to receive a trapping license in this State. What this does in effect is to establish for trapping the same basic ground rule that we have for hunting. That is you must have established some form of competency before you can receive a trapping license. It also provides that an unlicensed 16 year old may accompany an 18 year old, or may be licensed himself to trap.

SENATOR NELSON: I was just interested in why it says to resident children under 16 years of age. I was just interested in the 16 years and why you wanted to do that. In fact does that mean that a non-resident 16 year old couldn't do it?

SENATOR BOND: It specifically says a resident child 16, because this has to do with resident licensing of trapping. It is an in-state as opposed to a non-resident which is another question.

SENATOR NELSON: Thank you, Senator Bond, I was curious about why 16 years, is it just that group up there that traps?

SENATOR BOND: That relates to a hunting license law, when you have to be licensed to hunt. So under 16 you don't have to be licensed.

Amendment to HB 363-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Sections; Certificate of Competency Required. Amend RSA 214 by inserting after section 11-a the following new sections:

214:11-b Certificate of Competency Required.

I. No resident or nonresident person shall procure a license to take fur-bearing animals and coyotes by the use of traps unless he presents to the person authorized to issue such license either:

(a) A certificate of competency as provided under RSA 214:11-c or satisfactory proof that he has successfully completed a trapper education course in this state, or any other state, province or country which is equivalent to such course; or

(b) Satisfactory proof that he has previously had a trapper license issued to him in this state, or any other state, province or country.

II. In addition to penalties provided for in this chapter, the executive director may require a person in violation of this section or the

trapping laws of the state to take the trapper education course as required in this section as a condition to retain or reinstate a trapping license.

214:11-c Program; Certificate of Competency. In addition to the program established under RSA 210:25, the executive director is authorized to establish a program for the training of persons in the safe and responsible use of traps as a wildlife management tool and for this purpose may cooperate with any public or private association or organization having as one of its objectives the promotion of trapping. The executive director shall prescribe the type of instruction, qualifications of the instructors and time and place of examination, the successful completion of which shall qualify a person for a certificate of competency.

214:11-d Instructors. Each instructor authorized by the executive director to conduct the program for trapper training shall be covered by liability insurance protecting him from liability for damages during the time when instruction is being furnished. The cost of such insurance shall be borne by the state and shall be a charge against the fish and game fund.

214:11-e Duplicate Certificate of Competency. The executive director is authorized to charge a fee for the issuance of a duplicate certificate of competency. The amount of said fee shall be determined by the executive director, and the fee shall be credited to the fish and game fund. To receive a duplicate certificate of competency, the applicant shall complete an affidavit setting forth the circumstances surrounding the certificate's loss or destruction.

2 Exception. Amend RSA 214:2 to read as follows:

214:2 License Required; Exception. The provisions of RSA 214:1 shall not apply to resident owners of farmlands and their minor children while upon their own land, to persons fishing in ponds operated and maintained by a duly licensed fish or game breeder, to resident children under 16 years of age while fishing, [or] to resident children under 16 years of age while hunting when accompanied by a licensee 18 years of age or over **or to resident children under 16 years of age while trapping when accompanied by a licensee 18 years of age or over. Resident children under 16 years of age may trap unaccompanied after obtaining a trapping certificate of competency issued pursuant to RSA 214:11-c and after procuring a minor's trapping license in accordance with RSA 214:9, V.** Fishing licenses may be issued without charge to resident blind persons, but no hunting licenses shall be issued to blind persons. A fishing license issued to a resident blind person shall be effective during the remainder of his life unless sooner suspended or revoked by the executive director.

3 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires a person to satisfy specified requirements to receive a trapping license in the state.

The bill also exempts a person under 16 years of age while trapping when accompanied by a licensee 18 years of age or over, from the requirement of a trapping license.

The bill further provides that a person under 16 years of age with a trapping license may trap unaccompanied if he has obtained a trapping certificate of competency.

Amendment adopted. Ordered to Third Reading.

HB 490, establishing a speed limit on a portion of the Connecticut River and relative to ski craft hearings.

Ought to Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill as originally filed in the House would have placed a speed limit on the Connecticut River which would have provided protection for the racing crews on the river. It was agreed in conference of our committee that there was a need for a speed limit control on a small section of the river namely the 2500 feet from the Ledyard Bridge north to the narrows in the river. This was brought forth to us by people from both Vermont and local legislative persons in the Connecticut Valley. The amendment, which you will find on page 12, establishes that the limit for the distance of headway speed shall be up to the 2500 feet north of the Ledyard Bridge and the exceptions to it shall be by any person in case of an emergency rescue activity, by any person in connection with rowing or coaching, or by any person during boat personnel training and boating meets. It would provide for the Dartmouth rules.

SENATOR BLAISDELL: This in no way interferes with what we did last session with the Connecticut River, putting a speed limit on other parts?

SENATOR BOND: No, Senator Blaisdell, it does in fact tighten it up. We didn't realize at that time there was an area this wide on the Connecticut River.

Amendment to HB 490

Amend RSA 270:120, I as inserted by section 1 of the bill by replacing it with the following:

I. Notwithstanding any other law to the contrary, no person shall use or operate any motorboat or any boat equipped with an outboard motor in excess of headway speed of 6 miles per hour upon

the waters of the Connecticut River between the Ledyard Bridge in Hanover and a line across the river a distance of 2,500 feet to the north of the Ledyard Bridge.

Amend RSA 270:120, III(b) and (c) as inserted by section 1 of the bill by replacing them with the following:

(b) By any person in the case of an emergency rescue activity;

(c) By any person in connection with coaching of rowing; or

(d) By any person during boat personnel training and boating meets.

AMENDED ANALYSIS

This bill establishes a speed limit for power boats on the Connecticut River between Ledyard Bridge in Hanover and a point 2,500 feet north of the bridge.

The bill also provides certain exemptions to the speed limit.

Amendment adopted.

Senator Bond offered a floor amendment.

SENATOR BOND: I offer an amendment. What this amendment does is to amend the title of the bill which inadvertently when it came from the House did not strike the line "and relative to ski craft hearings." This bill has nothing to do with ski craft hearings and so I would urge you to support the floor amendment.

Floor Amendment to HB 490

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a speed limit on a portion of the Connecticut River.

Amendment adopted. Ordered to Third Reading.

HB 1001-FN, increasing agent fees for Fish and Games Licenses.

Ought to Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: HB 1001-FN does only one thing and that is increase the agents fees for selling hunting and fishing licenses from fifty cents to one dollar. As you recall Senator Magee had a bill in earlier which would have given a percentage. The Department felt this was a more equitable way, to set a flat fee regardless of the license and we endorse the House position.

SENATOR DISNARD: Senator Bond, I realize this does not increase the fee to the sportsman. But in the last year, how much, what percentage has the sportsman fees increased?

SENATOR BOND: I do not know. I failed to indicate that the amendment changes the passage effective date of this, and it says for sale of fish and game license in 1991, and subsequent years. That is to avoid any confusion between when this effects those licenses, so that if they sell '91 license in December of '90 they will get the one dollar fee.

Amendment to HB 1001-FN

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage, for the sale of fish and game licenses for 1991 and subsequent years.

Amendment adopted. Ordered to Third Reading.

HB 1081, relative to the membership of the Fish and Game Commission.

Ought to Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 1081 removes the provisions specified that one member of the Fish and Game Commission shall be a resident of certain coastal towns and provides that the member shall be from a tidewater town. The coastal towns now of Portsmouth and Seabrook, Rye and Hampton, Hampton Falls, North Hampton, New Castle and with the proposed change added to the list would be Newington, Greenland, Stratham, Newmarket, Dover, Madbury, Exeter, Durham, Newfields and Rollinsford. What this will do is provide a bigger pool of people to fill these positions and the Fish and Game Commission supported the bill. There was no opposition. I urge you to support this bill.

SENATOR BOND: Senator Krasker, is that title pool?

Amendment to HB 1081

Amend RSA 206:2-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Each member of the commission shall be a resident of a different county in the state except that one commission member shall be a resident of one of the [coastal] **tidewater** towns of Portsmouth, Seabrook, Rye, Hampton, Hampton Falls, North Hampton, **Newington, Greenland, Stratham, Exeter, Newfields, Newmarket, Durham, Madbury, Dover, Rollinsford** or New Castle, and not more than 6 commissioners shall be members of the same political party.

Amendment adopted. Ordered to Third Reading.

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way.

Ought to Pass. Senator Bond for the committee.

SENATOR BOND: HB 1339 is a bill that was agreed upon by land owners and right-of-way users and provides an alternative to herbicide spraying for the maintenance of rights-of-way of utilities, offers to cut the vegetation and the land owner agrees to pay the difference between the cost of spraying and the cost of cutting in those situations where it's the land owners choice.

SENATOR NELSON: Senator Bond, I am not familiar with the issues and I don't sit on the committee and what brought something like this to the legislature. Could you just give us little idea why we should support this?

SENATOR BOND: I could refer that to Senator King, but I would be glad to say that there are people who object to use of herbicides on brush on rights-of-way that cross their property. Because they do not choose to have herbicides used and you have to clear brush to protect the power lines they have agreed to this bill which allows for manual cutting as opposed to the use of herbicides with the property owner paying the difference between the spraying cost, which the utility would normally use, and cutting which would be required by hand.

SENATOR NELSON: Just a final question, so it's my understanding what we are doing is giving the land owner a choice to either have the company spray or to pay to have them cut it down. Then why is it not possible for the land person to go in and cut it themselves?

SENATOR BOND: The land owner could contract with the utility if he choose to. There is nothing in this bill that would prohibit it.

SENATOR NELSON: My question Senator Bond, why do we need a piece of legislation for that? Why can't they go to the company and negotiate that on their own?

SENATOR BOND: Whether or not they have ever attempted that I don't know, Senator Nelson, but the fact is that there has been a real problem and this addresses the problem to the satisfaction of everyone.

SENATOR HEATH: I was not going to speak on this bill but, this is in answer to your question. A number of years ago I bought a piece of property, I think it's about 18 years ago, and I called the company and I asked them if I could clear between the poles that were around

my line and on my land and they said yes, and they promised not to spray and one day I was working at the other end of the property and my wife picked blueberries. She pick two gallons of blueberries on that line and came back and she said how come the leaves curled like this. I went out and they had sprayed and we threw away two gallons of blueberries. We had an agreement and they did not stay with it and when they came through to spray, they didn't notify me and they did not give me the option. That's why we need this piece of legislation. I sponsored this a number of years ago and I got shot down early in the process when I was a member of the House so I fully support this.

Adopted. Ordered to Third Reading.

HB 1230-FN, allowing Hart's Location to establish a school district.

Ought to Pass. Senator Disnard for the committee.

SENATOR DISNARD: This bill, relative to Hart's Location, is the same bill word for word that we passed relating to Ellsworth. To repeat from the last bill referring to Ellsworth, and that is Carroll and Coos Counties and naturally they are two separate institutions, municipal governments. The State Department of Education for the unorganized areas used to collect a fee and they taxed all the unorganized areas fees to support the schools in those two counties. The legislature changed that several years ago and Carroll county does not feel that it should have the responsibility to tax it citizens to pay for schools in Coos county and this just allows the people in Coos county to collect their taxes and pay their school expenses. Word for word same as Ellsworth only the two words — Hart's Location — is different.

Adopted. Ordered to Third Reading.

HB 1283-FN, excluding the value of N.H college savings bonds from a student's financial resources when determining need for an incentive grant.

Ought to Pass. Senator Disnard for the committee.

SENATOR DISNARD: First of all this is not monetary. There is no fiscal impact in this bill. This legislature last year passed the college savings bond program and, at that time, established a committee to develop and submit to the Governor, the President of the Senate, and Speaker of the House, a plan of implementation of the initial issue of the sale of college bonds. The committee has worked and is establishing this and right now the State only appropriates the sum

of 525 thousand dollars for scholarships for students that come under this. So this would not take effect until the State appropriated in excess of four million dollars which we will never see. I asked the people appearing in favor of this bill and I was wondering why then for the record and I am quoting, "Why would the committee be requesting this amount of money, if it will be quite a few years into the future before four million dollars might be recognized or appropriated by the State." And the answer was with the person, Dr. Bussell, "I think that is an important piece of legislation that has long range implications. We are already receiving letters from grandmothers who wish to buy zero coupon bonds for their grandchildren." We are looking twenty to twenty five years down the road and I think it is important that people who put together this bill and worked as hard as the committee have all the contingencies in mind. What this bill does, if over four million dollars is ever appropriated, and I don't think that we will ever see it in our lifetime by the legislature to help this fellowship program, anyone that purchases savings bonds for those who are eligible to purchase from this amount of money would not be included in the amount of money a family must have to be eligible for a scholarship. In other words we are encouraging thrift, we are encouraging savings, we are encouraging families to put money aside for the future education of their relatives. I don't know if you understand what I am saying, but it is a good bill and we are not asking for any money. We just want to encourage thrift and help those people who wish to help their own family pay for education 20 or 25 years down the road.

SENATOR BLAISDELL: You say Senator, that you are not asking for money? There is a fiscal impact on it, how much is that fiscal impact?

SENATOR DISNARD: Senator, take my word for it. The bill has been all changed. There is no fiscal impact at this time but maybe twenty years down the road.

Adopted. Ordered to Third Reading.

HB 1359-FN, relative to regional vocational education.

Ought to Pass. Senator Nelson for the committee.

SENATOR NELSON: This bill does several things, first of all it was a request of the Department of Education. Secondly, it requires that school districts be reimbursed annually on or before December 1st. Third, it assigns responsibility for administrating the Regional Vocational Education programs for the Department of Education and there is no fiscal impact on the county, the state, or at the local level.

SENATOR JOHNSON: Senator Nelson, tell me how the State Board of Education currently administrates this program, as opposed to the State Department of Education.

SENATOR NELSON: Could you repeat the question?

SENATOR JOHNSON: I am looking at the analysis here.

SENATOR NELSON: Okay, I understand the question thanks, what it says here the State Board retains the status of the board, No.

SENATOR JOHNSON: Currently, it says, "currently the State Board of Education is administering the program referring Vocational Education." I thought they were a policy making body and I guess this is correcting that.

SENATOR NELSON: That's right. If you look at, I would refer you to page 2, of the bill sir, that's exactly what happened; it's changing the language. I would see it right there, it does exactly what you just said.

SENATOR JOHNSON: Thank you.

Adopted. Ordered to Third Reading.

HB 1274-FN, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn.

Ought to Pass. Senator Stephen for the committee.

SENATOR STEPHEN: The committee voted ought to pass. This bill was put in by Representative Lawrence Chase at the request of the Portsmouth Delegation. Executive Councilor Ruth Griffin had stated in the House hearing that the city of Portsmouth endorses this bill. Mayor Eileen Foley told the House committee that Portsmouth city council unanimously endorses this bill. If you need more information on why Justice Flynn is well respected and admired in Portsmouth, ask Senator Krasker. She can enlighten us.

SENATOR KRASKER: There is probably no more fitting tribute than could be paid to the late Justice Thomas Flynn, than naming the Court Building in his name. He is one of Portsmouth most illustrious citizens, born in Portsmouth, a life time resident. He was, in turn, a City Attorney, member of the city council for over 25 years, he served as Judge of the District Court. He devoted his life to the welfare of children, from his interest in the Boy Scouts. This was a life long interest of his, to his sponsorship and interest in the sum-

mer camp at Pease Air Force Base for troubled children. Certainly, the entire area looked at him with great esteem and I urge adoption of this bill.

Adopted. Ordered to Third Reading.

HB 1075, relative to location of court hearings in abuse and neglect cases.

Ought to Pass With Amendment. Senator Bass for the committee.

SENATOR PODLES: HB 1075 amends a statute to provide that whenever possible hearings in child abuse and neglect shall be held in rooms used for criminal trials. Currently, this is a mandatory requirement to hold all hearings outside of criminal courtrooms in all cases. Some of our smaller courts don't have space to have all of these people, so they use the chambers and sometimes seven or eight people are crammed into a chamber and there is no room to spread out working papers. In two instances hearings were adjourned to the Attorney's law office. In abuse and neglect case often times children don't show up there. Testimony comes from welfare workers, fewer children are now testifying in the courtrooms. The amendment to HB 1075, changes the effective date. The committee recommends ought to pass with amendment.

Amendment to HB 1075

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to Third Reading.

HB 1158-FN, relative to protecting the United States Flag from desecration when it is properly displayed on public or private property.

Ought to Pass With Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: This bill defines desecration as it applies to the flag of United States and it defines when a flag of the United States is protected from acts of desecration and allows for the destruction of the flag of the United States under certain conditions.

Senator Podles moved to have **HB 1158-FN** relative to the United States Flag from desecration when it is properly displayed on public or private property Laid on the Table.

Adopted.

HB 1159, repealing statutes inconsistent with the N.H. rules of civil procedure.

Ought to Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1159 is a housekeeping matter. It repeals statutes that are inconsistent with proposed New Hampshire rules of civil procedure that have been drafted by a special committee and are presently under review by the Supreme Court. It represents a major step in judicial reform in New Hampshire and it will help to get civil cases dealt with uniformly, more cheaply, and, we hope, more quickly. The bill will only take effect, if the proposed rules are adopted. Should the court reject the proposed rules, HB 1159, will not take effect. The committee recommends ought to pass.

Adopted. Ordered to Third Reading.

HB 1190-FN, creating a committee to establish a collecting and deaccessioning policy for the State of New Hampshire pertaining to historical objects. Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: This bill, put in by Representative Roland Sallada, creates a committee to establish a collecting and deaccessioning policy for the State of New Hampshire. This committee would report in 1991 with standards for State funds for accessioning property.

Adopted. Ordered to Third Reading.

HB 1204-FN, relating the corporate charter of the Waltham Screw Co., Inc.

Ought to Pass With Amendment. Senator Bass for the committee.

SENATOR KING: Senator Heath wanted me to let everyone know that he supports all of these measures contained in HB 1204-FN. HB 1204-FN reinstates four different corporate charters in the State of New Hampshire. The question was asked about whether there were any liens or law suits on these different corporations when they came to the hearing and the answer to all of those was no and the committee recommends passage.

SENATOR HEATH: Senator King, can you tell me why in the world, if there is nothing pending, if there is no reason for establishing this continuity, why don't we just leave these matters alone and let them just start their charter again? Instead of building this ridge continuity, if there is nothing pending against the corporations.

SENATOR KING: Senator Heath, obviously the reason has to do with the legalities of the corporation. In order for them to be reinstated, they have to pay back taxes, and back fees. I don't know the answer completely to that. But it would seem to me that the best way to do it is just not to have them disappear unless they request that they disappear.

SENATOR HEATH: Is it essentially true that the sixteen hundred to two thousand dollars it takes for legislation is borne by the tax payers as opposed to the cost of paying their makeup fees in order to be reinstated. And that we are costing the tax payers of New Hampshire some two thousand dollars and saving these corporations who had notification and who failed to reinstate their charter we are saving them a few dollars and loading it on the tax payers by doing this foolishness?

SENATOR KING: I would be glad to co-sponsor an amendment with you or a bill in the next session that would require any company that was asking for reinstatement to pay the cost of filing a bill.

SENATOR HEATH: We try to establish some guidelines and we seem to throw those out. How would we do that if it wasn't in the constitution? We haven't guided ourselves by our own guidelines?

SENATOR KING: The brightest fellow that I know in this Senate is standing to my left so I am looking for him to find an answer to that.

Amendment to HB 1204-FN

Amend the title of the bill by replacing it with the following:

AN ACT

reinstating certain corporate charters.

Amend the bill by replacing all after section 1 with the following:

2 Reinstatement of Charter of NEDCON, Inc. The charter of NEDCON, Inc. of Deep River, Connecticut, incorporated on March 5, 1984, was forfeited on December 1, 1987, under RSA 293-A:95, I(a). Upon payment of any fees in arrears plus a reinstatement fee of \$50 and the filing of any annual returns required by law, NEDCON, Inc. shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to December 1, 1987.

3 Reinstatement of Charter of Mills Enterprises, Inc. The charter of Mills Enterprises, Inc. of Woodstock, New Hampshire, was forfeited on November 1, 1988, under RSA 293-A:95, I(a). Upon payment of any fees in arrears plus a reinstatement fee of \$50 and the

filing of any annual returns required by law, Mills Enterprises, Inc. shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to November 1, 1988.

4 Reinstatement of Charter of American Technology Corporation, Inc. The charter of American Technology Corporation, Inc. of Farmington, New Hampshire, was forfeited on November 1, 1988, under RSA 293-A:95, I(a). Upon payment of any fee in arrears plus a reinstatement fee of \$50 and the filing of any annual returns required by law, American Technology Corporation, Inc. shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to November 1, 1988.

5 Applicability. Nothing in the passage of this act shall influence any pending actions or influence or correct any liabilities or interfere with any cause aggrieved the corporation for the period the charter had lapsed.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows the reinstatement of the charters of the following corporations:

I. Waltham Screw Co., Inc., which was forfeited on November 3, 1986.

II. American Technology Corporation, Inc., which was forfeited on November 1, 1988.

III. Mills Enterprises, Inc., which was forfeited on November 1, 1988.

IV. NEDCON, Inc., which was forfeited on December 1 1987.

Adopted. Ordered to Third Reading.

Recess.

Out of Recess

Senator Preston in the chair.

HB 95-FN, relative to eligibility criteria for AFDC recipients.

Ought to Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB-95-FN amends the eligibility criteria of the State's AFDC program by providing eligibility to families where the child has been deprived from parental support and care because of the unemployment of his or her parent who is the principle wage earner. It adds this category to the AFDC criteria in order to bring New Hampshire in compliance federal law. The money is in two PAU's. It's been included in the budget. Failure to comply with the federal law would be the loss of other AFDC funds and I urge it's adoption.

Adopted. Ordered to Third Reading.

HB 519-FN, relative to minimum standards for modular buildings.

Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: There are thirty six communities, local communities that do not have local standards now for modular buildings. The thing about a modular building is that it is all built when it's put in place and there is no way that local inspectors can look at the plumbing and details of the inside without ripping the walls down and so there must be some sort of national and state wide standard. This bill establishes the local code and the national electric code as minimum standards and no modular home units could be sold in New Hampshire and constructed that did not use the minimum codes.

SENATOR JOHNSON: Senator McLane, help me understand the Department of Safety rules and regulations in construction of modular buildings?

SENATOR MCLANE: I believe that the Department of Safety is merely the department through which this will be enforced, but there is an enforcement problem. Basically, the law is written right into the bill which says that the BOCA code, and the national electric code will apply to modular homes and units built in New Hampshire no matter where they are. Most towns and cities in New Hampshire do have a code that is similar to this but this is for those who don't.

SENATOR JOHNSON: My question has to do with the responsibility to the New Hampshire Department of Safety for regulating this and I do understand that kind of connection.

SENATOR MCLANE: I guess it's merely because they are regulators of other laws. I really don't know what other department would be more appropriate.

SENATOR JOHNSON: Is this likely to open up additional staffing requirements because of this additional responsibility.

SENATOR MCLANE: I wouldn't think so, the New Hampshire Manufacturer Association who manufacture these modular homes are in favor of the legislation. I think it really just gives the tool to the local communities to insist that modular homes built within their districts conform to these national standards.

SENATOR JOHNSON: I am trying to persist in getting a answer to the question. With all due respect to Senator McLane, I'm really not satisfied with the answer. And it appears to me that we are giving an

inappropriate responsibility to the New Hampshire Department of Safety and I am going to vote against this bill.

SENATOR BOND: I would like to respond to Senator Johnson's query about why the Department of Safety. The Fire Marshall's Office is within the Department of Safety. And, in fact, the substance of this bill is all on page 1, where it says approved third party inspection agency. What happens is when you have modular home builder, there is a person who does inspecting on-site who approves for all various states. Some state agency has to be the person that has to be sure that activity is going on and that would be the Department of Safety, the Fire Marshall's Office. It should not require any additional personnel since it is really only policing in the instance where there was no third party inspection going on. The manufacturers' organizations and the individual manufacturers did all appear in favor of this bill.

SENATOR MCLANE: Senator Bond, isn't it true that this is a safety measure because it involves not only electric wiring but plumbing as well, both which functions are covered by the Department of Safety?

SENATOR BOND: Yes, exactly. As was pointed out before, because the building is a complete entity, you don't want to go around ripping out electrical receptacles to establish that it is copper wire and that it is installed properly. They have this third person inspecting the system and that person would report to the Fire Marshall's office if there were deficiencies.

SENATOR FREESE: Senator Bond, I have turned to the fiscal note at the end of the bill and I was wondering if this applies to the bill. You have a local expenditure stated in here of an increase by one hundred and seven thousand dollars, the same in 1991, a little less in 1992, all those are over hundred thousand dollars. Does that apply to present bill as written or does the amendment eliminate that expense? Is your answer then the amendment does eliminate the local expense that this amendment carries on page 8?

SENATOR BOND: Senator Freese, I am not sufficiently certain of what that means, so I believe it ought to go to Finance.

SENATOR JOHNSON: I am looking at page 8, the House Bill amended by the House there and the methodology. I find it strange that apparently the fiscal impact has been determined by the Department of Transportation and it goes back to my original concern about the Department of Safety. And in regard to the methodology it says and I quote "the Department states that this bill would re-

quire the establishment of a new bureau to administer a major new area of building construction control at the state level. The estimated cost of establishing a bureau is approximately 75% of the existing public works bureau operating budget."

SENATOR NELSON: Senator Freese, don't we already have in place in the State of New Hampshire BOCA codes. And when Senator Hounsell was here, did we not institute something like this for the plumbing industry and electricians?

SENATOR FREESE: I can't specifically answer that question, but I think the answer to it is that yes we have passed legislation, but I don't think it affects all the communities.

SENATOR DISNARD: Senator Freese would you believe I think that the BOCA codes were missing?

SENATOR MCLANE: I just talked to a representative from the Manufactured Homes Association who assures me that the Department of Safety will be able handle this which is just a codification of what is happening in most cities and towns in New Hampshire at the present time. And so I would suggest that any questions be taken up in Finance.

Adopted. Referred to Finance (Rule #24).

HB 1108-FN, establishing a committee to study child care in public and private sector buildings.

Ought to Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 1108-FN establishes a committee to study child care in public and private sector buildings. In many communities, it's been very difficult to establish home day care because of very restrictive zoning and planning board regulations. Because of the shortage of day care in this State, this committee, which is being established, will look into ways to ease zoning restrictions so that more day care could be established. The amendment reduces House and Senate members to one each. I urge its adoption.

SENATOR DISNARD: Senator Krasker, I heard your analysis, but I do not read it that way. I read this, starting on the third line, including the feasibility of requiring that zoning codes and planning board regulations which prohibit or heavily regulate the establishment, be changed. I have a problem. I know it's only a study committee, but I have problem telling a study committee they must change local zoning codes, local groups don't want to do this. I have been

familiar with child care, and I'm familiar with protection of children and I am just concerned we may end up with a watered down bill that would take away protection of children.

SENATOR KRASKER: The hearing was brief, Senator Disnard. No one testified against the bill. Those who did testify spoke merely of the difficulties of people trying to start up day care centers and the need for guidelines to make it easier. The committee is going to study ways to promote establishment. I think what they come up with is certainly going to be what the committee decides might be feasible for legislation in another session, but I would agree that their sole charge should not be requiring zoning codes and planning and from the testimony we did receive that will not be the focus of the committee.

Amendment to HB 1108-FN

Amend paragraphs I and II of section 2 of the bill by replacing them with the following:

I. One member from the house of representatives, appointed by the speaker of the house.

II. One member from the senate, appointed by the president of the senate.

Amend the bill by replacing section 3 with the following:

3 Meetings; Chair. The representative named to the committee shall call the first meeting within 30 days of the effective date of this act. A chairman shall be chosen from among the members at the first meeting.

Amendment adopted. Ordered to Third Reading.

HB 1281-FN, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy.

Ought to Pass. Senator McLane for the committee.

SENATOR MCLANE: This bill is a necessary one for this legislature to face up to what is a growing problem. Actually, in the State of New Hampshire, alcohol and drug addiction of newborn babies is the most prevention-possible disease for children and yet 30% to 40% of the medicaid care prenatal clinic women are addicted in the Nashua area, according to Mrs. Owens from the St. Joseph Hospital. These women need education, prevention, treatment resources, detox and living arrangements. Presently, there are no facilities in New Hampshire for addicted pregnant women and yet 44,000 women in New Hampshire abuse drugs and are of child bearing age. In fact 10% of the women who use the state clinic self admit a drug

problem. The importance of this issue has been attested to on a national basis and has come to the State of New Hampshire. We must do something and I think that this committee will not only study the constitutionality of certain laws that have been put in to this session and study the need for prevention.

SENATOR JOHNSON: Without disagreeing with the basic purpose of this bill isn't it true, Senator McLane, that Catholic Charities in Manchester, has a facility that has reported to be available for women in this particular situation?

SENATOR MCLANE: That was not the testimony that we received. Geraldine Sylvester spoke, and she repeated the words which I have which is New Hampshire has no facility for addicted pregnant women. This was the testimony from before the medicaid committee as well. So you may be more familiar with a place. That was not the testimony we received.

Adopted. Ordered to Third Reading.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities.

Ought to Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: This bill establishes a committee to study the personnel problem in long-term health care facilities. The Senate has had previous bills which have dealt with the shortage of nursing care in acute care facilities and also shelter homes. This committee is charged with looking at the whole situation to see what can be done to provide care for the elderly. There are amendments to the bill, but the amendment merely adds to the committee that will be looking into the problem. We have added a consumer appointed by the Governor; second, a representative from the New Hampshire Health Care Association and the third addition is the administrator of intermediate care at New Hampshire Hospital. The committee will meet, review the entire situation, and then report on or before March 1, 1991.

Amendment to HB 1332-FN

Amend section 2 of the bill by inserting after paragraph VII the following new paragraphs:

VIII. A consumer, appointed by the governor.

IX. One representative from the New Hampshire Health Care Association, appointed by such association.

X. The administrator of intermediate care of New Hampshire Hospital.

Amendment adopted. Referred to Finance (Rule #24)

HB 631-FN, relative to railroad consolidation to other public utilities or common carriers.

Inexpedient To Legislate. Senator Heath for the committee.

SENATOR HEATH: The committee found this Inexpedient To Legislate since we just recently, in coordinating with the court decision, took away from the Department of Transportation the regulatory approval of common carriers and we felt that this would be going right back into the great sea of trouble that we just left. We found it inexpedient To legislate.

Adopted.

HB 1103-FN, relative to the regional fuel tax agreement.

Inexpedient To Legislate. Senator Currier for the committee.

SENATOR CARRIER: This bill deals with the regional fuel tax agreement from the statutes. Other states that we have regional agreements with in regards to the fuel tax have their legislation dealing in rules. It's a lot harder for our department to come back to legislature each time a rule changes in terms of statutes and we have found some additional information in order. I guess I have to make a motion to recommit at this time.

Senator Currier moved to recommit.

Adopted.

HB 1104, relative to the motor vehicle laws.

Ought to Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: This bill moves some fees into more realistic levels, like ID fees were \$2.50 and moves it to \$10.00 more, reflecting the cost of doing it. It makes a number of small changes in the law. It makes the person, the adult, on a motorcycle makes them responsible for the wearing of a helmet by the child. It also allows the electronic transfer of information, bringing the department's requirements into computer age and reflects the changing way that we transfer the material and information.

SENATOR NELSON: Senator Heath, I was just curious on page 2 of the bill it says for a fee of \$1.50 per plate. Are they adding or is that always what it has been.

SENATOR HEATH: They are making the fee uniform for all plates.

SENATOR NELSON: Senator Heath, are they decreasing or increasing anything in this case?

SENATOR HEATH: Yes, well I don't know if that is a decrease or an increase, but duplicate licenses are increased from \$5.00 to \$10.00, ID's from \$2.50 to \$10.00, default notices are now \$10.00.

SENATOR NELSON: Okay, great! Thank you.

Amendment to HB 1104

Amend RSA 263:42, IV as inserted by section 5 of the bill to read as follows:

IV. A duplicate copy of a photographic license or a new license with a different classification because of a commercial driver license disqualification may be issued for a fee of [\$5] **\$10**. For the purpose of this chapter, the term "duplicate copy" shall mean an additional license so marked containing a new photograph made when the additional license is obtained.

Amend the bill by replacing all after section 7 with the following:

8 New Paragraph; Inspection Authorized. Amend RSA 266:1 by inserting after paragraph IX the following new paragraph:

X. The director may authorize properly qualified persons to inspect any motor vehicle, except an OHRV, snow traveling vehicle, moped, or any other vehicle exempted under this chapter, which has been involved in a fatal accident or an accident involving serious bodily injury as defined in RSA 625:11, VI, to determine whether the vehicle was in compliance with state inspection requirements.

9 Identification Cards. Amend RSA 260:21, V to read as follows:

V. The fee for such card shall be [\$2] **\$10** and is not refundable.

10 Drivers License Fees. Amend RSA 263:42, II to read as follows:

II. For every certified copy of a registration, [or] license, **or driving record**, [\$5] **\$10**.

11 Fees to be Collected. Amend RSA 261:141, IX to read as follows:

IX. For every certified copy of and duplicate of a certificate of registration - [\$5] **\$10**.

12 New Section; Default in Another Jurisdiction. Amend 263 by inserting after section 56-b the following new section:

263:56-c Suspension for Default in Another Jurisdiction.

I. Any driver licensed by the state of New Hampshire who defaults on an appearance, summons, or court order issued in another jurisdiction shall be subject to suspension or revocation of their drivers license in this state in addition to any penalties imposed by the other jurisdiction.

II. Any person who defaults as provided in paragraph I, shall be required to pay a fee of \$25 to the department when proof of satisfaction of the default is submitted to the department.

III. The fees required by this section shall be in addition to any other fees or penalties required by law.

13 Receipt of Electronic Information Authorized. RSA 260:17 is repealed and reenacted to read as follows:

260:17 Records; Reproduction.

I. The department may cause any or all records, papers or documents kept by it, including those under RSA 260:16, to be photographed, microphotographed, recorded on film or retained on computer data files. The method used shall provide a reasonable degree of durability, and the device used for reproduction of such records shall be one which makes an accurate reproduction.

II. Any provision of this title which requires or appears to require the department or any of its divisions, bureaus, or officials to obtain any information, document or record in written or hardcopy form may be satisfied, at the option of the department, by obtaining the information, document or record by electronic transfer.

14 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill is a request of the department of safety.

The bill amends various sections of the motor vehicle laws. The bill standardizes license plate fees, gives the department of safety authority to authorize certain persons to inspect vehicles involved in serious or fatal vehicle accidents, and provides that any person who does not adhere to a motorcycle helmet requirement relating to children shall be guilty of a violation.

The bill also provides that the hearing examiner shall be custodian of motor vehicle records for purposes of testifying at a trial, and removes the requirement to print "duplicate copy" on duplicate driver's licenses.

The bill increases certain fees paid to the department of safety.

The bill provides for penalties in this state for defaulting on an appearance, summons, or court order issued in another jurisdiction.

Amendment adopted. Ordered to Third Reading.

Senators Nelson and Disnard wished to be recorded as opposed to the decision.

HB 1163-A, raising the amount of property damage to be reported in a motor vehicle accident.

Ought to Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1163-A is a request by the Department of Safety. It does two things. It changes the number of days that are allowed for making an accident report to 15 days instead of the 5 days as presently required. Also, it increases the amount of property damage for which a motor vehicle accident report is required from the present five hundred dollars to one thousand dollars. The amendment would eliminate the need to file an accident report if a police officer has investigated the accident. The testimony says that this legislation will save time and dollars, and reduce the backlog with small claims.

SENATOR DISNARD: I do believe I like the bill, but I have questions. Now I do believe that if an individual has an accident of \$500 dollars, the police report it to the insurance companies and you receive a demerit. After a while if you got so many, you have to pay an additional fee. Does this mean now that the policeman cannot report that vehicle owner to receive the demerit if it is less than \$1000.00 dollars?

SENATOR JOHNSON: Correct, yes, it would be in accordance to this legislation.

Amendment to HB 1163

Amend the bill by replacing section 1 with the following:

1 Conduct After Accident. RSA 264:25, I is repealed and reenacted to read as follows:

I. The driver of a vehicle who knows that he has just been involved in any accident which resulted in death, personal injury or damages to property, shall immediately stop such vehicle at the scene of the accident and give to the driver or owner of any other vehicle involved in said accident, and to any person injured, and to the owner of any property the damaged, his name and address, the number of his driver's license, the registration number of the vehicle and the name and address of each occupant thereof. If by reason of injury, absence or removal from the place of the accident, or other cause, such injured person, or driver of such other vehicle, or owner of the property damaged, or any of them, is unable to understand or receive the information required hereunder, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to a policeman at the nearest police station. Any person driving a vehicle which is in any manner involved in an accident or any person who owns a vehicle which was illegally

parked when it was involved in an accident shall within 15 days after such accident report in writing to the division the facts required hereunder together with a statement of the circumstances if any person is injured or killed, or if damage to property is in excess of \$1,000 unless the accident is investigated by a police officer; in which case a report filed by such office shall satisfy the requirements of this section; provided, however, that any person not otherwise required by this paragraph to file a report, who owns a vehicle which was involved in an accident, may file a report as provided by this paragraph. Voluntary intoxication shall not constitute a defense in the matter of knowledge under the provisions of this section. All reports, filed as required in this paragraph, shall be in the form prescribed by said director and shall contain information to enable the division to determine whether the requirements for the deposit of security under RSA 264:3 are inapplicable by reason of the existence of insurance or other exceptions specified in that chapter. If such driver is physically or mentally incapable of making such report, the owner of the vehicle involved in such accident or his representative shall, after learning of the accident, forthwith make such report. The driver or the owner shall furnish such additional relevant information as the division shall require. The provisions of this section shall be of general application and shall not be restricted to a way as defined in RSA 259.

AMENDED ANALYSIS

The bill raises the amount of property damage for which a motor vehicle accident report is required from \$500 to \$1,000. The bill also changes the law to allow 15 days instead of 5 for the reporting of an accident.

Amendment adopted. Ordered to Third Reading.

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester.

Ought to Pass With Amendment. Senator King for the committee.

Senator King deferred to Senator Johnson.

SENATOR JOHNSON: The amendment on page 16 contains a major typographical error and should be defeated and then a subsequent floor amendment will be submitted that will correct that error. I urge the body to vote no on the amendment that is on page 16.

Committee amendment failed.

Senator Johnson offered a floor amendment.

SENATOR JOHNSON: I am now referring to the floor amendment to HB 1341, it corrects the error in the calendar amendment and accomplishes the goal of the committee report. I urge you to adopt the floor amendment.

Floor Amendment to HB 1341

Amend RSA 270:120 as inserted by section 1 of the bill by replacing it with the following:

270:120 Piscataquog River. No person shall use or operate any powerboat in excess of 40 miles per hour 1/2 hour before sunrise to 1/2 hour after sunset or in excess of headway speed from dusk to dawn on the Piscataquog River in the town of Goffstown and the city of Manchester. Any person who violates the provisions of this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill restricts the speed of powerboats on the Piscataquog River in Goffstown and Manchester to 40 miles per hour during the day and headway speed during the night.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Bartlett in the Chair.

ENROLLED BILLS REPORTS

HB 552, relative to assessment of conservation lands.

HB 596, limiting personal liability of certain fire department, emergency service, and rescue squad members.

HB 746, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees.

HB 1044, relative to fees of justices of the peace and notaries public.

HB 1048, relative to rabies control of dogs.

HB 1053, relative to the patients' bill of rights.

HB 1146, relative to confidential information concerning a child who is subject to placement with persons or agencies.

HB 1149, relative to expending national forest reserve funds in unincorporated towns and unorganized places.

SJR 1, naming the Kenneth M. Tarr Health Care Facilities.

HB 108, licensing massage practitioners and massage establishments.

Adopted.

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Thursday, March 8, 1990 at 1:00 p.m.

Adopted.

LATE SESSION

THIRD READING AND FINAL PASSAGE

HB 355, relative to the African Development Bank.

HB 363-FN, relative to the issuing of trapping licenses.

HB 490, establishing a speed limit on a portion of the Connecticut River.

HB 1001-FN, increasing agent fees for Fish and Game Licenses.

HB 1081, relative to the membership of the Fish and Game Commission.

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way.

HB 1230-FN, allowing Hart's Location to establish a school district.

HB 1283-FN, excluding the value of N.H. college savings bonds from a student's financial resources when determining need for an incentive grant.

HB 1359-FN, relative to regional vocational education.

HB 1274-FN, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn.

HB 1075, relative to location of court hearings in abuse and neglect cases.

HB 1159, repealing statutes inconsistent with the N.H. Rules of Civil Procedure.

HB 1190-FN, creating a committee to establish a collecting and deaccessioning policy for the State of New Hampshire pertaining to historical objects.

HB 1204-FN, reinstating certain corporate charters.

HB 95-FN, relative to eligibility criteria for AFDC recipients.

HB 1108-FN, establishing a committee to study child care in public and private sector buildings.

HB 1281-FN, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy.

HB 1104, relative to motor vehicle laws.

HB 1163-A, raising the amount of property damage to be reported in a motor vehicle accident.

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester.

Adopted.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

March 8, 1990

The Senate met at 1:00 p.m.

A quorum was present.

Senator Blaisdell in the Chair:

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we thank you for the beauty of each day and especially as we advance closer to spring, with it's newness of life which also centers with our lives. Bless us, Lord, and keep us in Thy way and grace.

Amen

Senator Dupont led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RESOLUTION

Senator Stephen offered **SR 2**, requesting the United States Congress to amend the United States Constitution to prohibit flag desecration.

SENATOR STEPHEN: The United States decided to pass a law against flag burning. Some social misfits decided to defy the law and burn the flag anyway. The United States Supreme Court decided to hear an appeal from those whose decided to burn the flag. I say let the people of America decide by a Constitutional Amendment to ban further desecration of our national emblem. The flag is a symbol of our national soul, such as the Washington Monument. I urge my colleagues to support this resolution. Thank you.

SR 2

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION

requesting the United States congress to amend the United States
Constitution to prohibit flag desecration.

Whereas, the American flag is a sacred symbol of the United
States of America; and

Whereas, there is a legitimate public interest in preserving the
sanctity of "Old Glory"; and

Whereas, the desecration of "Old Glory" is abhorrent and repre-
hensible to most Americans; now, therefore, be it

Resolved by the Senate:

That the Congress of the United States is requested to institute
procedures to amend the Constitution of the United States and to
prepare and submit to the several states for ratification an amend-
ment to prohibit flag desecration; and

That copies of this resolution be forwarded to the President of the
United States, to the President of the United States Senate, the
Speaker of the United States House of Representatives, and to each
member of the New Hampshire delegation to the United States
Congress; and

That copies of this resolution be prepared and forwarded to the
secretaries of state and to the presiding officers of the legislatures of
the several states with the request that they join this state in mak-
ing application to the Congress of the United States to pass such an
amendment.

Adopted by unanimous vote.

RECONSIDERATION

Senator Charbonneau moved reconsideration on **HB 1136**, relative
to filing of annual reports with the Secretary of State.

Adopted.

SENATOR CHARBONNEAU: On this bill we should have said "or,"
because right now it says "any." And we would be leaving out the
president and the treasurer and so forth on this particular bill. This
is on the charter notification. This bill was introduced with the inten-
tion of making it easier for a corporation to file annual reports. In
the drafting of the bill the officers of a corporation were left out

inadvertantly, and this amendment corrects this error. All that it does is replace "or" instead of "any."

Adopted.

Senator Charbonneau offered a floor amendment.

SENATOR CHARBONNEAU: Again, this just states that it was "any person" and now we have inserted "or." Because they left out vice president, president, secretary, assistance secretary, or treasurer.

Floor Amendment to HB 1136

Amend RSA 293-A:132, II as inserted by section 1 of the bill by replacing it with the following:

II. The annual report shall be made on forms prescribed and furnished by the secretary of state on request, and the information in the report shall be given as of the preceding January 1. It shall be executed by the corporation by its president, a vice president, secretary, an assistant secretary or treasurer, **or any person authorized by the board of directors to execute such report** or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation by the receiver or trustee.

Amendment adopted. Ordered to Third Reading.

RECONSIDERATION

Senator Freese moved reconsideration on **HB 363** relative to the issuing of trapping licenses.

Adopted.

Senator Freese offered a floor amendment.

SENATOR FREESE: The amendment being passed out was an amendment that we intended to place on HB 363-FN last Thursday, and through oversight we missed it. This amendment was drafted with the help of Fish and Game to clarify a current law, making it unlawful for a person to hunt or discharge firearms on land of another without permission of the owner. So I would hope that you would adopt this amendment at the right time in the proceedings today and attach it to HB 363.

Floor Amendment to HB 363-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the issuing of trapping licenses and certain prohibitions of shooting firearms.

Amend the bill by replacing all after section 2 with the following:

3 Firearm Prohibition. RSA 207:3-a is repealed and reenacted to read as follows:

207:3-a Prohibition. It is unlawful for a person to take wildlife with a firearm or discharge firearms within 300 feet of any building, unless that person is taking wildlife with a firearm or discharging a firearm solely within the confines of his own property or within an authorized shooting gallery or range. Whoever violates the provisions of this section shall be guilty of a violation.

4 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires a person to satisfy specified requirements to receive a trapping license in the state.

The bill exempts a person under 16 years of age while trapping when accompanied by a licensee 18 years of age or over, from the requirement of a trapping license.

The bill provides that a person under 16 years of age with a trapping license may trap unaccompanied if he has obtained a trapping certificate of competency.

This bill prohibits the discharge of firearms within 300 feet of any building, except under certain circumstances.

Amendment adopted. Ordered to Third Reading.

COMMITTEE REPORTS

HB 639-FN, relative to the disposition of acquired or abandoned rail properties.

Ought To Pass With Amendment. Senator Nelson for the committee.

SENATOR NELSON: This is HB 639 which is an act relative to the disposition of acquired or abandoned rail properties. As you noted in your pamphlets the amendment is on page 11 and all it does is require the approval of the Long Range Capital Planning and Utilization Committee prior to the sale of properties in addition to the Governor and Council. The bill as amended authorizes the commissioner of The Department of Transportation to sell, with the approval of the Long Range Planning and Utilization Committee, and Governor and Council, certain abandoned or acquired rail properties owned by the State and rights-of-way that are no longer needed.

Proceeds from the sale, rather than be deposited to the general fund, will be deposited in the special railroad fund which may be expended for the maintenance of State owned railroads with fiscal committee and Governor and Council approval.

SENATOR JOHNSON: Senator Nelson, I'm trying to ask you whether or not the railroad beds and the rights-of-way are excluded in this sale?

SENATOR NELSON: Yes, that's right. Because the language in the bill that I'll bring to your attention. Oh, on the third line of the bill it says excluding the railroad bed and the right-of-way line within a corridor.

SENATOR JOHNSON: Further question, would you believe I understood you to say something that didn't go inside this amendment here.

SENATOR NELSON: I would be happy to re-read what I said if you would like?

SENATOR JOHNSON: No, that's all right. Thank you.

Amendment to HB 639-FN

Amend RSA 228:67 as inserted by section 1 of the bill by replacing it with the following:

228:67 Disposition of Acquired or Abandoned Rail Properties. Whenever the commissioner determines that certain acquired or abandoned rail properties owned by the state pursuant to RSA 228:60-a, II; 228:60-a, VI; 228:60-b; or any other means are no longer needed, he may transfer or sell such rail properties, excluding the railroad bed and right-of-way lying within a corridor; to any other state department or agency, or political subdivision of the state, which will utilize such properties for public purposes and, if no state department or agency, or political subdivision, wants such properties, the commissioner may sell them, with the proceeds from the sale distributed to the Federal Railroad Administrator, Department of Transportation, in accordance with the grant agreement for the federal share of the participation in the original purchase of the rail properties. The balance shall be deposited into the special fund established in RSA 228:68. Such transfer or sale shall require approval of the long range capital planning and utilization committee and the governor and council. For the purpose of this section, "corridor" shall mean from the point of origin of railroad tracks or bed and right-of-way to the point of terminus within the state, excluding spur lines and sidings which are incidental to the main line.

Amendment adopted. Ordered to Third Reading.

HB 731, dedicating the state police barracks in Milford.

Ought To Pass With Amendment. Senator Nelson for the committee.

SENATOR NELSON: I want to mention that this was brought in by Representative Prestipino of Hillsborough County. This is an act rededicating - it's a very simple bill. It is just rededicating the state police barracks in Epping. And what they're going to do, we amended this bill, and we're going to recognize James F. Brown Jr. as a resident of Epping and his name is going to be on the Milford Barracks in Epping. I mean the Epping Barracks in Milford.

This bill as it came to Capital Budget is already in current law and would be Inexpedient to Legislate, however, Representative Hoar with the concurrence of Commissioner Flynn, I hasten to add, proposed this amendment to recognize James F. Brown Jr. as a resident of Epping, New Hampshire. The Department of Safety shall affix and maintain a suitable plaque inside the barracks.

Amendment to HB 731

Amend the title of the bill by replacing it with the following:

AN ACT

rededicating the state police barracks in Epping.

Amend the bill by replacing all after the enacting clause with the following:

1 Rededication; State Police Barracks in Epping. The general court hereby rededicates the state police barracks in Epping which is named the Ralph Waldo Caswell Building, to the memory of Ralph Waldo Caswell and James F. Brown, Jr., a resident of Epping. In making this rededication, the general court recognizes Mr. Brown's many years of service to the state as a motorcycle patrolman, a state trooper, the chief safety supervisor of the motor vehicles department, and a state legislator. The department of safety shall affix and maintain a suitable plaque in Mr. Brown's memory outside the barracks, together with the plaque commemorating Ralph Waldo Caswell.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill rededicates the state police barracks in Epping to Ralph Waldo Caswell and James F. Brown, Jr.

Amendment adopted. Ordered to Third Reading.

HB 1016, relative to altering municipal highway classifications.

Ought To Pass With Amendment. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: This amendment is on page 10. The amendment merely changes the language to legally recognize standard subjects to gates and bars and will eliminate someone trying to read another meaning or definition. This bill requires the governing body of a municipality to obtain the approval of the legislative body before changing the classification of or discontinuing unmaintained highways prior to the normal lapse of five years as provided under current law RSA 229.

Amendment to HB 1016

Amend RSA 231:45-a as inserted by section 1 of the bill by replacing it with the following:

231:45-a Discontinuance of Highways Subject to Legislative Body Approval. No class IV or V highway shall be discontinued or discontinued subject to gates and bars without the vote of the local legislative body as required by RSA 231:43 or RSA 231:45. No vote or other action of the governing body shall be effective to reclassify a class IV or V highway as a class VI highway. Any municipality which neglects to maintain and repair a class IV or V highway, without the vote of the legislative body, shall be subject to proceedings under RSA 231:90 or RSA 231:82 at any time prior to the lapse of the 5-year period under RSA 229:5, VII.

Amendment adopted. Ordered to Third Reading.

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District.

Ought To Pass. Senator Torr for the committee.

SENATOR TORR: There was no opposition to this bill as it merely allocates a percentage of the highway block grant, apportionment A, to one of the districts in the town of Haverhill.

Adopted. Ordered to Third Reading.

HB 1183, relative to supervision of highway agents.

Ought To Pass. Senator Torr for the committee.

SENATOR TORR: HB 1183 is a housekeeping bill requested by the Department of Transportation. It removes an obsolete provision requiring that a Department of Transportation representative super-

wise local road agents each month during the spring through fall period. This was considered necessary during the TRA program years ago, but, now that we have the block grant program periodic supervision is sufficient.

Adopted. Ordered to Third Reading.

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation.

Ought To Pass. Senator Torr for the committee.

SENATOR TORR: I do know we're on HB 1184 this time. HB 1184 is another housekeeping bill requested by the Department of Transportation. It is simply a change from division to district.

SENATOR JOHNSON: Senator Torr, would you believe that I have an objection to the use of housekeeping changes there in the title of this act here, and I think that is inappropriate.

SENATOR TORR: If you say so, Senator Johnson, then I believe it.

Adopted. Ordered to Third Reading.

HB 1185, to reclassify portions of certain highways in the town of New Castle.

Ought To Pass. Senator Roberge for the committee.

SENATOR ROBERGE: This bill is a Department of Transportation request and supported by the town of New Castle at their May 9, 1989 annual town meeting. The streets and roads in the town of New Castle enumerated in this bill are reclassified from class two to class five highways. There will be some small savings to the Department of Transportation and an additional cost to the town.

Adopted. Ordered to Third Reading.

HB 382-FN-A, to establish a procedure to assess earth products for real estate taxation purposes.

Interim Study. Senator Currier for the committee.

SENATOR CURRIER: Although it was determined that there is definitely a need for some uniformity in the accessing of property which is currently allowed under state statute dealing with earth products, there are some questions and clarifications that needed to be made with regard to this bill. Senator Bass and I acted as a sub-committee for the Development, Recreation and Environment Com-

mittee and the time elements in terms of being able to deal with this in an appropriate manner warranted that our recommendation to refer this bill to Interim Study at which time we will take a look at it a lot closer and come up with another recommendation later.

Adopted.

HB 1030, relative to cease and desist orders issued by the Director of the Division of Forests and Lands.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill, even though Senator Johnson doesn't like the word housekeeping, does correct a few problems that we created for ourselves in the last session. It reinstates some authority of the Division of Forest and Lands that we accidentally took away. The bill authorizes the director of Division of Forest and Lands and his authorized agents to issue cease and desist orders for any timber operation that is in violation of the statutes currently and the committee recommends Ought To Pass.

Adopted. Ordered to Third Reading.

HB 1033, relative to fishing in the Connecticut River.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB 1033 is a good neighbor bill. It clarifies references to persons who are legally entitled to fish in the Connecticut river. It will allow all New Hampshire and Vermont licensed fishermen to fish on both sides of the river. Vermont already has this law on its books and now New Hampshire's law will coincide with Vermont.

Adopted. Ordered to Third Reading.

HB 1035, relative to biennial Fish and Game hearings.

Ought To Pass. Senator McLane for the committee.

SENATOR MCLANE: This bill was at the request of the Fish and Game Committee. The original bill calling for biennial hearings of the Fish and Game Department was too specific in that it named the time, the place and said it had to be at the Lancaster court house. So they have left it as Concord and Lancaster but let the Fish and Game Department decide when these biennial hearings will be held and where they will be held with due notice.

Adopted. Ordered to Third Reading.

HB 1036-FN, relative to non-resident and resident wholesale marine species licenses.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: This bill was filed at the request of the Department of Fish and Game. It emphasizes that non-resident and resident wholesale marine species licenses are valid for one store or one market or one facility and one vehicle. Presently, you are licensed for your facility and then you have to get other licenses for your vehicles for transporting your wholesale fish. So, this simplifies it, and Fish and Game feels that it will be much easier to administer.

Adopted. Ordered to Third Reading.

HB 1040-FN, relative to civil and criminal penalties in the safe drinking water act.

Ought To Pass. Senator McLane for the committee.

SENATOR MCLANE: This bill was put in at the request of the Department of Environmental Services. It gives the department a variety of options to "get the attention of those who are in violation of the safe drinking water act for public drinking water." It changes the fine and adds it to a civil fine, up to \$25,000. What had been happening was some municipalities had been paying the fine rather than making the changes.

Adopted. Ordered to Third Reading.

HB 1321-FN, establishing a study committee to determine the feasibility of commercial shell fishing.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: The bill, as originally sent to us by the House, established a committee to study commercial shell fishing. The testimony that we heard was that no one in the seacoast area is interested in commercial shell fishing, however, they do want to see the shell fish beds cleaned up and so we have amended the bill to require the executive director of the Fish and Game Department to develop a shell fish management plan.

Amendment to HB 1321-FN

Amend the title of the bill by replacing it with the following:

AN ACT

requiring the fish and game department to submit
a shellfish management plan.

Amend the bill by replacing all after the enacting clause with the following:

1 Shellfish Management Plan.

I. The executive director of the fish and game department shall develop a shellfish management plan which shall include, but not be limited to, a compilation of all shellfish flats in the state, the potential quantity of shellfish to be taken from these flats and procedures for opening the shellfish areas for recreational shellfish harvesting.

II. The executive director shall have this management plan completed on or before December 1, 1991, and copies submitted to the speaker of the house of representatives, the president of the senate, and the chairmen of house fish and game committee and the senate committee on development, recreation and environment.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the executive director of the fish and game department to develop a shellfish management plan.

Amendment adopted. Ordered to Third Reading.

HB 1414, relative to committee members of the state conservation committee.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: In 1967 the State Conservation Committee was formed. Since that time several agencies have come into existence that should be involved in its efforts. The request of the department was that the Department of Environmental Services and the N.H. Association of Conservation Commissions be represented on their committee.

Adopted. Ordered to Third Reading.

HCR 15, a resolution supporting multi-cultural and multi-ethnic education for N.H. students.

Ought To Pass. Senator Magee for the committee.

SENATOR MAGEE: The Education Committee felt that basically this resolution simply supports and acknowledges the importance of emphasizing multi-cultural and multi-ethnic education for New Hampshire students. It does not mandate. One of the brighter mo-

ments was during the public hearing, hearing some of the heart rending, up-lifting testimony from people who are involved and wanted to see this resolution passed. The other comments were that it would help us appreciate, understand, and touch other cultures; acknowledge a priority; celebrate and educate our young people; send the right signal and reinforce the obvious. The Senate Education Committee feels very strongly, they could not have said it better. We hope that you will find this piece of legislation favorable.

Adopted. Ordered to Third Reading.

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel.

Ought To Pass. Senator Disnard for the committee.

SENATOR DISNARD: Perhaps the word reciprocity could be used to better explain this bill. The six New England States and New York have entered into a certification of teacher requirements. However, I wish to insure the Senate members this does not lessen certification requirements of New Hampshire because once New Hampshire accepts the teacher who has been certified under this compact, the teacher must meet all New Hampshire's requirements. If they do not have them within the two year period, they could loose their license. There is protection. I am happy to note that there was no opposition. The Teacher Association also strongly, in testimony, supported this bill as well as the Department of Education.

Adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Charbonneau in the Chair.

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor.

Ought To Pass. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1058 recognizes the rather deplorable condition of a lot of the flags out in the Hall of Flags here in the State House, and recognizes further that something really needs to be done. But at this point in time what needs to be done is not well established so accordingly HB 1058 establishes a committee to conduct a study and commence conservation and restoration of the flags to the extent possible. It makes an appropriation to the committee to accomplish the purposes of this study. The amount involved is \$1.

Adopted. Ordered to Third Reading.

HB 1191-FN-A, relative to creating a trust fund for N.H. heritage and making an appropriation therefor.

Ought to Pass. Senator Stephen for the committee.

SENATOR STEPHEN: This bill came about because of Josiah Bartlett auction this summer. Situations such as this do arise from time to time and no one knows exactly who has the authority to purchase such items, which items are more valuable than others, and which items really should be part of the State collection and what should be purchased by private collection. By setting up this advisory board with these particular individuals, they are often the ones who hear about these situations. First, they also have the expertise to advise the people in office as to what should and should not be part of the State collection. The committee was unanimous and urges your support. Thank you.

SENATOR PRESTON: Senator Stephen, could you turn to page 4 of that bill, please. Senator Stephen, as I read that last page it says the bill transfers \$200,000 from the funds and lapses \$650,000 to the general fund, is that the way I understand this bill?

SENATOR STEPHEN: No, the bill I think, Senator, was amended to allocate \$1 but I don't have it here. A sum of \$1 is hereby appropriated for the biennium ending June 30, 1991 to the heritage trust.

SENATOR PRESTON: O.K. Thank you Senator.

SENATOR STEPHEN: I'm willing to donate \$1 also.

Adopted. Ordered to Third Reading.

HB 1084-FN, relative to continuing care communities.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB 1084 deals with the facilities that provide money for life time care for the elderly. There are twenty-nine of them, they are very small and this bill will leave these twenty-nine facilities under the supervision of the Charitable Trust Division of the AG's office. Without this bill, they would then have to be doing their own auditing. It is an expensive procedure and these twenty-nine institutions, being small, don't want to have the expense of this. They have been supervised by the AG's office and this will continue because of this bill.

Adopted. Ordered to Third Reading.

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1114 requires the State Committee on Aging to study the issue of care of the elderly. The bill was amended in the House appropriations committee. At first the appropriation was \$344,000, a little over \$344,000. It has been amended in the House appropriation committee and it is now \$126,450 for meals on wheels for the elderly. In the past eight years, there has been level funding from the State and this funding has not been adequate to cover the rising cost of food. Seventy percent of our elderly live alone and some of them are home bound because they're sick, they are frail, they are poor, and they are old. This program is cost effective because it keeps the elderly population healthy. The committee recommends ought to pass.

SENATOR DISNARD: The elderly in the last two years are eligible for meals on wheels may have been level funded, but they lost ninety-nine thousand meals last year. The average recipient of a meals on wheels in this State is eighty years of age, a widow that receives less than \$450 a month. Now if a person in these circumstances is unable to receive a meal it means that their health is going to deteriorate and it is going to cost the State thousands of dollars to take care of them. I would hope the committee chairman would table this bill and submit an amendment to go back to the original request for \$389,000.

SENATOR BLAISDELL: Senator Disnard, would you be happy to know that this is going to come to Finance, so that we could look at it in Finance. Certainly you know the record of Senate Finance on meals on wheels.

Senator Disnard: Thank you very much. I accept that.

Adopted. Referred to Finance (Rule #24).

HB 1083, establishing speed limits for the operation of OHRVs.

Ought To Pass. Senator King for the committee.

Senator King moved to have **HB 1083** establishing speed limits for the operation of OHRVs Laid on the Table.

Adopted.

HB 1172-FN, relative to the physical condition of drivers.

Inexpedient To Legislate. Senator King for the committee.

Senator King moved to have **HB 1172-FN**, relative to the physical condition of drivers Laid on the Table.

Adopted.

HB 1257, relative to motor vehicle road tolls.

Ought To Pass. Senator King for the committee.

SENATOR KING: HB 1257 makes some technical changes in the existing transportation law that are not in any shape or form anything other than housekeeping procedures and the committee recommends its passage.

Adopted. Ordered to Third Reading.

HB 1422-FN, permitting tinted glass in motor vehicle windshields and side windows for medical reasons.

Ought To Pass. Senator King for the committee.

SENATOR KING: As you will recall last year we passed a bill through the Senate that disallowed certain types of tinted windows in automobiles. Now at that time I have to admit I thought it was a rather absurd idea for us to do that since we couldn't force that upon anybody that drove up here from Massachusetts. But, we inadvertently left out an exemption clause in the bill at the time that would allow for medical reasons, the Commissioner of Safety, to allow somebody to have tinted windshields. So this bill places the right in the hands of the Commissioner of Safety to make a waiver for an individual for medical purposes.

SENATOR PODLES: Senator King, could you give us an example of a medical reason where they would be permitted to have a tinted glass?

SENATOR KING: Yes, Senator Podles. There are several kinds of eye diseases, optical diseases that can not be treated by merely wearing sunglasses and there are certain people who actually have to have tinting put on their automobiles.

SENATOR PRESTON: Senator King, it was asked how many cases would be involved. I think the response was maybe fifteen to seventeen cases would be exempted because of sensitivity to the skin or eyes, is that true?

SENATOR KING: That is correct.

Adopted. Ordered to Third Reading.

HB 567-FN, relative to expenditure of excess moneys by school districts.

Inexpedient To Legislate. Senator Roberge for the committee.

SENATOR ROBERGE: This bill authorizes school districts to establish capital reserve funds from unreserved funds balances. Such balances are defined as surplus money available to school districts from unexpended balances of appropriations and from actual revenues received in excess of revenues estimated. The bill also authorizes the appropriation by school districts of unreserved fund balance money to an existing capital reserve fund. The committee felt that if there are any surplus funds that they should be returned to lower the tax rates instead of being established as a capital reserve fund, deposited in a capital reserve fund.

Adopted.

HB 1066-FN, relative to the operation of bingo games.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill provides for a progressive cover all game starting at fifty numbers and progressing to sixty numbers for a participant to cover all twenty four numbers on a card. The maximum cash prize is \$3,000 as authorized under the bill and its a great thing for senior citizens, like Eddy Dupont, who go to bingo games.

Adopted. Ordered to Third Reading.

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This concurrent resolution proposing constitutional amendments provides that all moneys received from a state run lottery be appropriated and used exclusively for the state schools districts. Only necessary costs of administration may be deducted from the lottery revenue. This is basically a bill that would actually allow the citizens of the State of New Hampshire to reaffirm the use of lottery money for specifically for education.

Division Vote: 19 Yeas 1 Nay.

Adopted (3/5 vote required). Ordered to Third Reading.

Senators King and Nelson wished to be recorded as in favor of the vote.

ANNOUNCEMENTS**RESOLUTION**

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 15, 1990 at 1:00 p.m.

Adopted.

LATE SESSION**THIRD READING AND FINAL PASSAGE**

HB 1136, relative to filing of annual reports with the secretary of state.

HB 363-FN, relative to trapping licenses and certain prohibitions of shooting firearms.

HB 639-FN, relative to the disposition of acquired or abandoned rail properties.

HB 731, dedicating the state police barracks in Milford.

HB 1016, relative to altering municipal highway classifications.

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District.

HB 1183, relative to supervision of highway agents.

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation.

HB 1185, to reclassify portions of certain highways in the town of New Castle.

HB 1030, relative to cease and desist orders issued by the Director of the Division of Forests and Lands.

HB 1033, relative to fishing in the Connecticut River.

HB 1035, relative to biennial Fish and Game hearings.

HB 1036-FN, relative to non-resident and resident wholesale marine species licenses.

HB 1040-FN, relative to civil and criminal penalties in the safe drinking water act.

HB 1321-FN, requiring the fish and game department to submit a shellfish management plan.

HB 1414, relative to committee members of the State Conservation Committee.

HCR 15, a resolution supporting multi-cultural and multi-ethnic education for N.H. students.

HB 1288-FN, relative to the interstate agreement on qualification of educational personnel.

HB 1058-FN-A, regarding restoration and preservation of state historic flags and making an appropriation therefor.

HB 1191-FN-A, relative to creating a trust fund for N.H. heritage and making an appropriation therefor.

HB 1084-FN, relative to continuing care communities.

HB 1257, relative to motor vehicle road tolls.

HB 1422-FN, permitting tinted glass in motor vehicle windshields and side windows for medical reasons.

HB 1066-FN, relative to the operation of bingo games.

CACR 23, providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only.

Adopted.

FINAL PASSAGE

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only.

Adopted. (3/5 votes) Final Passage.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

March 15, 1990

The Senate met at 1:00 p.m.

A quorum was present.

Senator Podles in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Prayer

Lord, We thank you for thy servant, St. Patrick!

May his goodness and what he did for others with whom he came in contact with enter our hearts and souls and to do the best we can to follow him.

Bless Us Lord! Erin Go Braugh.

Amen

Senator Hough led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 1241, relative to the observance of Memorial Day.

Inexpedient To Legislate. Senator Johnson for the committee.

SENATOR JOHNSON: Certainly we all recognize this is an important bill before us, there is a lot of concern and a lot of emotion. At the outset I want to make it crystal clear, perfectly clear, that those who sponsored this legislation, those who spoke in favor of it, their motives are not in question. Their patriotism is not in question, and their reverence for Memorial Day is not in question. But, let's take a look at the arguments that are being offered in support of this legislation. They really fall into two categories. The first category is that New Hampshire ought to conform with the rest of the States and the rest of the Country. The second is by changing the date it would minimize confusion. Well, let's examine those two arguments. The first, that we ought to conform with the rest of the country. All we have to do is look around us and recognize that New Hampshire is one of the few States that has yet to declare Martin Luther King Day a holiday. We have States around us that have returnable container bills, we don't have one. We have States around us that have income taxes, and sale taxes, we don't have those. So the argument that we ought to conform to the rest of the world, the rest of the Country really doesn't hold up under scrutiny. Talk about minimizing confusion. There is always going to be confusion in observance of days and holidays. It is part of what happens because we have fifty States now. Let's take a look at the arguments in favor of retaining this bill. New Hampshire went along with the federal proposition when it was first passed in 1968, I believe. We went along with that proposition for three years. Then the legislature in its infinite wisdom, and note when we agree with what the legislature didn't pass we talk about it as the infinite wisdom, we would call that now, change of fashion, that we retain the traditional day, May 30, to recognize and observe Memorial Day. This is a date, but it's a date that has significance, it has reverence, it has deep emotional and patriotic need to the people of this State, particularly for the veterans organizations in this State. I think it is apparent today how they feel about this legislation. It was apparent at the public hearing. About 150 to 200 of the New Hampshire veterans came out in opposition to this bill. Let's take a look at those who were speaking in favor of it at the public hearing. They really represented the commercial interest.

Those were really the people who were saying we ought to make this kind of a change. But, I think in the testimony, it was pretty clear to the committee that people who were really looking for the change, were seeking another three-day weekend. They were seeking another opportunity to make major commercial advertising and really make it a commercial day, and I think this is a time to stand fast, and hold fast, retain May 30 as the traditional date to observe Memorial Day in New Hampshire.

SENATOR MCLANE: Senator Johnson, if you ran a business that dealt mostly with the postal service and by telephone and with fax, would you take a holiday on both days or neither day?

SENATOR JOHNSON: The issue today, Senator McLane, is whether or not we are going to retain May 30 the traditional day to observe Memorial Day, and whether or not I would take a holiday on one of those two choices is really irrelevant.

SENATOR MCLANE: My second question is if you were a school superintendent, and evidence had shown, as it did in letters that I received from certain superintendents, that forty five to fifty percent of your pupils were going to be absent on the federal holiday, what would be your response to that?

SENATOR JOHNSON: If I were a school superintendent, I would remind myself of the RSA portion that calls for instruction of our patriotic holidays, and I would go back to my principals and I would say, based on the testimony that we heard last week, that there are a lot of our students that are not being taught the importance of Memorial Day, the tradition that is involved in Memorial Day. So if I were the superintendent of the schools that is where I would be directing my energy.

SENATOR MCLANE: A further question then is, how would you instruct those pupils that are not there on the day?

SENATOR JOHNSON: If I were that school superintendent, I think I would start now and make sure there was an understanding of the importance of Memorial Day, the reverence that we owe our deceased veterans, and then perhaps we would have the students in attendance on the day that is questioned.

SENATOR MCLANE: Thank you.

SENATOR HEATH: Senator McLane if you were a business person in New Hampshire in the tourist industry and you saw that on the commercial Memorial Day the tourist flooding in from the other states, talking about patriotic matters in Massachusetts, wouldn't

you want to work on that day, and take those people and then have our own Memorial Day for the purpose of the intended Memorial Day?

SENATOR MCLANE: I'm under the impression that the tourist industry as such supports the three day holiday.

SENATOR DISNARD: Senator Johnson, would you believe that some of us have had well maybe thirty years of status in school calendars. The State of New Hampshire says that schools must be open 180 days. The State does not say what 180 days, but only 180 days. If the schools are so concerned, would you believe, about lack of attendance that day they could schedule a teacher workshop, they could take the two holidays if they so desired. Would you believe these same schools could schedule two days in the same week for conferences. Would you believe whether someone agreed or disagreed with the Martin Luther King Day, that year the schools, many schools, found time in the middle of their calendar for a day. Would you believe the schools for the (tape in audible).

SENATOR JOHNSON: Senator Disnard, on educational matters I regard you as the authority in the New Hampshire Senate, and I definitely believe all of that.

SENATOR BLAISDELL: Two brief questions, Senator Johnson. Is there any testimony in the committee where the American Legion or the VFW or any of the other veterans organization go into the schools and maybe teach some of the classes to our students and let them know what this really means to the people of this Country.

SENATOR JOHNSON: Senator Blaisdell, the testimony that came out and I believe it came from Mr. Smart over here, talking about the absence of instruction in geography and history and that it is now being subsumed under the rubric of social studies. Yesterday, I spoke to one of the senior officials in the State Department of Education about the very issue that your asking, Senator Blaisdell, and I made that a suggestion to him, and I said that there are plenty of people in your community. Just go to the veterans organization and they would indeed come in and provide some kind of a structural service that you're talking about.

SENATOR BLAISDELL: One further question. The other one that concerns me is the veterans organizations in the State. If they got together with the business community, maybe they could do it as a team. Maybe the line of communication is not open between the veterans and the business community. They could do it as a team so that we could instruct our children what it meant to those of us who had a part of or died because of World War I.

SENATOR JOHNSON: Senator Blaisdell, at the hearing last week a tremendous amount of exchange of information came to feelings and so forth. And I believe that very hearing provided the initial forum to accomplish just what your talking about.

SENATOR BLAISDELL: Thank you very much.

SENATOR HOUGH: I rise in opposition to the committee report. If you look at the legislation, you will see that I am a sponsor along with my colleague Senator Freese. I, too, am a member of veterans organizations. There are members today in the gallery and in the back of this chamber who represent veterans organizations. There is a seriousness of intent and a seriousness of purpose in the introduction of this legislation. Having served in this body over the last many years, I recognized that when you have a piece of legislation that is important to you, you should address your colleagues and determine whether or not they support and I'll tell you what the vote in this body is today. Because I have spoken to twenty-three and nine of you have said that you would support Senator Freese and my positions. And fifteen of you have said that you would support the committee report. So clearly the committee report will prevail, and of the fifteen that have indicated that they would support the committee report I leave to you individually why you came to that conclusion and I think that there have been various number of reasons. Some of which would be acceptable to me, although I disagree, others I might encourage the individuals to gather the strength to re-think their position. Be that as it may the bill will fail. But, its not a question of lowering the standards of the body by having who decides. I would tell you this. That my memory goes back five years to the spring of 1985 when we debated this piece of legislation and at the same time the same day we defeated this piece of legislation, it was the tenth anniversary of the fall of Saigon, and I said in this chamber then, that my memory and my memorial went back to 1968 and 1969. And I served in an unpopular war that was not supported by politicians. But, I had my charge and I executed it. And I returned to a nation that would sooner attend to other subjects. And as a veteran of the Vietnam War, I have my memories. And my memories are not on a date certain. There isn't a morning in my life, nor is there a morning in any veteran in this body that isn't a Memorial, that it isn't in our memory. Historically, Memorial Day as I recall, researched it five years ago, came to pass in the spring of the year and I believe it was a day in April. For the women and the mothers and the loved ones of Civil War dead to decorate their markers of their fallen sons and fathers and brothers. And it was not a date certain. There was a federal holiday which was May 30, there was an act by

Congress that changed that date. And Senator Heath has indicated I believe that at some point in time the New Hampshire legislature decided to establish the traditional date. We simply ask the question should we give reason to have a nation, a united nation of fifty states, recognize and memorialize and remember on a common date? At this date and at this point in time, the numbers will tell you, and they will tell you quite honestly that fifteen of you do not agree and nine of us feel that we should join our forty nine other States in the common observance of memorializing our war dead. Senator Johnson made reference to the patriotism of those members of both sides of the question for which I thank him. Susan McLane's dear Malcolm was one of the youngest prisoners of war there in the second World War. We don't question his patriotism. To the extent that we can go around the room, we know who the members of this body are that have given loyal and faithful service in their Country's time of need. The die has been cast, the resolve is not there, New Hampshire will continue to be out of sync with the nation. And while we can take pride in that on the one hand, there are a number of issues that I've championed that we have failed to address and support. You all know of my concerns for education and human service, children and retarded, the mentally impaired. The support that we give to the University, and how we stack up compared to what our other forty nine other States do. If there can be pride in being fiftieth in the nation, so be it. This bill will not pass, but, I will tell you that the subject will rise again. Thank you.

SENATOR STEPHEN: Listening to this, observance of Memorial Day should be a simple issue. If you want it to be a Memorial Day then leave it as it is. And if you want it to be a holiday then I suggest change it. But, as for me, I want it to remain a Memorial Day. Thank you.

SENATOR PRESTON: I'll be brief. I just sincerely think that the veterans are a diminishing population in the State and I hope we never have a war and you know all those who have served are getting old and there won't be many veterans to bother the next three generations maybe, but, this change I think is more a matter of social convenience, and I really think that veterans ask very little when you think about it, and this is very little to ask. When I reflect over what has happened in the past few years of promises broken in the care of veterans who were over there, able and disabled, seeking help in Manchester and trying to keep a hospital open at Pease. This is very, very little to ask. Memorial wasn't meant to be a day at the beaches. It wasn't meant to be a day of celebration, it was meant to be just what it is, a day of observance and remembrance. So, let's not

worry about what the others do. And with all due respect for the proponents of this day, I would rather be number one of the fifty instead of being one of fifty. Thank you.

SENATOR CHARBONNEAU: I know that Senator Blaisdell has a very good idea, but, I want him to know that Hudson, New Hampshire has been doing this for quite a while. And I think that all the cities and towns should take note of this and teach our kids and teach our students the meaning of Memorial Day. Because it should be kept as a tradition not as a convenience.

Adopted.

Senators Magee, Freese, Hough and Krasker wished to be recorded as opposed to the decision.

Recess.

Out of Recess.

HB 1050-FN, relative to "junk fax."

Ought To Pass. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1050-FN basically prohibits the use of fax devices for transmissions and for the purpose of commercial solicitation with the intent to harass or annoy the recipient, which the recipient has previously indicated are unwanted. I think that we all know that we are in a high tech society today and we look upon a fax machine as a device to facilitate communication, and there needs to be some safeguards to what people can do exterior to our own machine. There has to be some safeguard to prevent people sending you what is referred to in this bill as junk fax without you wanting that, without you giving any kind of permission on it, and the real important part of it is that it ties up your machine, it is expensive paper that you have to pay for. So HB 1050 sets up some safeguards for the users of fax machines.

SENATOR DISNARD: Let me ask my colleagues to vote no. I sympathize and agree. The reasons are thus, Congress is addressing this, but, some of the people in my area with fax machines indicated to me there wouldn't be any control if this passed. Information transferred over the fax machines comes from out of state. So what is the protection for the people who own fax machines? That is why I want you to vote no.

SENATOR NELSON: Thank you, Senator Johnson. Not being as familiar with this as Senator Disnard I wanted to ask you one or two questions. Who pays for the fax that is put over the wire?

SENATOR JOHNSON: Well the sender pays the fee and then the receiver has his machine tied up, he has made an investment in the machine. He also is paying for the paper.

SENATOR NELSON: I notice that it says commercial solicitation, would this include political mail, not that, just in case we wanted to send political things over the fax machine.

SENATOR JOHNSON: I don't think that political mail is considered commercial, its considered political.

SENATOR NELSON: But, what I meant Senator Johnson, did you considered not allowing political mail, or is that junk mail, I didn't know if that was junk?

SENATOR JOHNSON: Anything that you would send out Senator Nelson would be regarded as very important political material and not junk fax.

SENATOR HEATH: I don't understand why we start holding New Hampshire people and New Hampshire businesses to a standard that we can't enforce on the rest of the nation. We did this when we put three or four people out of business in the after market darkening of car windows. You come in from New York state with a window you can't see through in a long black limousine, that is fine. But, if you got a sports car and you tint the windows in New Hampshire you're under arrest and you have to pay for having it removed and you get fined. This is the same thing. We complain when the federal government involves itself in State issues, this is the federal government issue, this is a communication issue that you need to address in fifty states and not punish the business people of New Hampshire and still allow all the other forty-nine states to send junk fax products into the State of New Hampshire. And I would urge that you have some sense of decency to your constituency and not put a higher burden on them then you would put on a New Yorker or a Massachusetts resident.

SENATOR BASS: I rise in support of the committee motion of ought to pass and I'm really rather surprised at Senator Heath's comment because just a second ago we heard a bill in which we were praising ourselves as being the only one of fifty states to be standing alone. Then all of a sudden on the next bill we hear that we have to go along with the rest of the nation, and that we don't want to be inconsistent, and so on and so forth. This is no laughing matter for those of us that have fax machines and were waiting for an important order or something that is critical to us. And all of a sudden out of a machine comes twenty or thirty pages worth of fax material

from somebody trying to sell me paper, which of course, they're using up and I would hope that we would be setting the trend in this country by adopting legislation prohibiting this unwanted useless form of advertising that is expensive to us as the owners of fax, and totally uncontrollable and hope that the rest of the nation would go along with our fine example.

SENATOR HEATH: Senator Bass, have you ever heard of the mixed metaphor render under Caesar what is Caesar's, but don't give him the whole damn farm?

SENATOR BASS: I got you, Senator.

Adopted. Ordered to Third Reading.

Senator Disnard wished to be recorded as opposed to the motion.

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989 Pembroke School District meeting, and relative to the collection of the town portion of taxes in the town of Hooksett.

Ought To Pass. Senator McLane for the committee.

SENATOR MCLANE: We had hoped in the last session to settle the problem of mistakes and posting of warrants or of adoption of articles at town meetings, with the stipulation that any mistakes could be corrected in the next meeting. But, we did not specify that the election leading up to the meeting that was coming up was covered by this statute, and for that deplorable reason this is before you. The town of Pembroke in posting the voting warrant because there was a change in the hours, changed the warrant and said that there was only one vacancy on the ballot when there were two. Other notices were correct. But, in order to assure themselves and their counsel that the entire meeting and all votes taken subsequently by this elected school board are legal, they have asked that I present this bill before you. When we got over to the House there has never been an objection to that section of the bill, nor I might add to any of the subsequent sections. The problem with the town of Hooksett wasn't exactly the same, but, it was a problem which their selectmen asked to have corrected by the legislature. I believe there are two more amendments that will be presented today. They are presented with my, not only permission, but blessing, because I believe that this is a vehicle that helps town officials assure that their elections and any votes taken subsequently are legal.

Senator Johnson offered a floor amendment.

SENATOR JOHNSON: I am offering a floor amendment. It has to do with the Loudon town meeting, legalizing action in regard to the posting of the 1990 Loudon town meeting. I had this researched to make sure that what we are doing meets the test that we have applied in the past. Get this from their town counsel and basically it has to do with the fact that they omitted a budget article in the posting process. They did post the budget itself, the budget was posted along side the warrant and therefore there should be no question about whether the citizens were adequately warned that that would be the subject to the town meeting. Well, I urge the Senators to adopt this floor amendment without further question.

SENATOR HEATH: Senator Johnson, do you believe this is an unnecessary requirement that we ought to strike it?

SENATOR JOHNSON: Senator Heath, I believe along with you when we passed legislation a year or so ago that it was intended to prevent the very thing that has come before us, not only here, but, Nottingham, Pembroke just to mention a few here. But, apparently you and I are going to have to go back and tighten up the requirements and allow the local people who make the mistake, to correct their mistake, rather than burdening the State Senate with this sort of action.

SENATOR HEATH: Senator Johnson, do you think that perhaps we should stop now from burdening? We will not respond in time.

SENATOR CURRIER: In the past we've always corrected or legalized the meeting that had already taken place. This legislation talks about a meeting that hasn't take place. Is there a problem that way?

SENATOR JOHNSON: Well, Senator Currier, I appreciate the question. I've had this researched by the town counsel Barton Mather, who formerly was the counsel for the New Hampshire Municipal Association and I'm going by that counselor's recommendation.

SENATOR CURRIER: No problem.

Floor Amendment to HB 1097

Amend the title of the bill by replacing it with the following:

AN ACT

relative to legalizing actions taken at town and school district meetings and to the collection of the town portion of taxes in the town of Hooksett.

Amend the bill by replacing all after section 2 with the following:

3 Loudon Town Meeting. All actions concerning the posting of the warrant and the consideration of the budget at the 1990 Loudon town meeting to be held on March 17, 1990, are hereby legalized, ratified and confirmed.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill legalizes the proceedings, actions, and votes taken on a warrant article at the Pembroke school district meeting of March 14, 1989.

The bill specifies the way in which the town portion only of the semi-annual taxes which are due and payable on June 30, 1990, in the town of Hooksett are to be collected.

The bill also legalizes actions concerning the posting of the warrant and the consideration of the budget at the March 17, 1990, Loudon town meeting.

Amendment adopted.

Senator Torr offered a floor amendment.

SENATOR TORR: This amendment is a request by the Nottingham selectman. Apparently there was a question on the ballot on town meeting day Tuesday, relative to a veterans exemption. It was put on by a selectman, it should have been put on by a petition. It was passed by an overwhelming majority of people. There is a question of the legality of it and that's why this action today. I would appreciate your support of this.

SENATOR HEATH: Senator Torr, do you think that we should scratch these requirements that they don't seem to be able to follow in town after town and just let them do their own thing?

SENATOR TORR: Not really, I believe that they need to follow the rules, but, I think, maybe, the small towns, in particular, lack legal advice and they weren't quite sure of the direction to take. Apparently they took the wrong direction. The revenue and administration was the one that advised that we tack it on to this bill.

SENATOR HEATH: Senator do you believe that instead of scrapping it, would you leave the rules on the books, but, give them a blanket forgiveness if they screw up? For all towns, all meetings.

SENATOR TORR: I would hate to see anything done as carte blanche, because then you would really open the doors to some problems in my opinion. And hopefully this method does correct it, I'm not sure. This is kind of an awkward method, too.

SENATOR HEATH: Senator Torr, do you think that one by one each time the towns screw up we should bring in special legislation and forgive them without exception?

SENATOR TORR: I guess I would have to answer yes to that because I would go back to my original answer. Meaning that the small towns may not have the expert legal expertise to deal with the issues and I think that you have to be forgiving.

Floor Amendment to HB 1097

Amend the title of the bill by replacing it with the following:

AN ACT

relative to legalizing actions taken at town and school district meetings and to the collection of the town portion of taxes in the town of Hooksett.

Amend the bill by replacing all after section 3 with the following:

4 Nottingham Town Meeting. All actions, votes, and proceedings concerning questions on property tax exemptions, under RSA 72:28, V and VI and RSA 72:35, IV of the Nottingham town meeting of March 13, 1990, are hereby legalized, ratified, and confirmed.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill legalizes the proceedings, actions, and votes taken on a warrant article at the Pembroke school district meeting of March 14, 1989.

The bill specifies the way in which the town portion only of the semi-annual taxes which are due and payable on June 30, 1990, in the town of Hooksett are to be collected.

The bill legalizes actions concerning the posting of the warrant and the consideration of the budget at the March 17, 1990, Loudon town meeting.

The bill also legalizes the proceedings, actions, and votes taken on property tax exemption questions at the Nottingham town meeting of March 13, 1990.

Amendment adopted. Ordered to Third Reading.

HB 1100, relative to the time for submitting proposed zoning ordinance amendments to the town clerk.

Ought To Pass. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: This bill simply allows a longer period of time for amendments to zoning ordinances to be given to the town or village or district clerk, so that they are able to have suffi-

cient time to have them printed on the ballot. As it stands now any amendment to ordinances must be filed two weeks prior to the date when action is taken. This bill provides that the planning board shall forward to the town, village or district clerk all proposed amendments to zoning ordinances. District ordinances or building codes no later than the fifth Tuesday prior to the date for electing town, village or district offices. There was not, we didn't have any opposition to this bill, and what they wanted to do is to make sure that it would be easier for the voter especially on absentee ballots that they could vote for this. Thank you.

Adopted. Ordered to Third Reading.

HB 1140, relative to the selectmen of towns.

Inexpedient To Legislate. Senator King for the committee.

SENATOR KING: The sponsor of this bill came before the committee and asked that we kill the bill and we did it.

Adopted.

HB 1262-FN, relative to recording of ancient plats.

Ought To Pass. Senator McLane for the committee.

SENATOR MCLANE: None of you are going to like this bill. It defines ancient as anything that happened before December 13, 1969. But, it has been mutually agreed upon by the land surveyors, the municipal association was in favor. Before December 13, 1969 land surveyors were not licensed and any plats that were surveyed by them before that time were not duly recorded. So that if they come under the definition of ancient plats they will, can be, recorded without any further expense.

Adopted. Ordered to Third Reading.

HB 1049-FN, relative to fishing licenses for non-institutionalized mentally developmentally disabled persons.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: In the last session we passed legislation which provided for mentally disabled persons to receive a free fishing license after they had been de-institutionalized. It did not provide for those who never were placed in an institution, although they were developmentally disabled. We felt that it discriminated against them, so we urge you to support the motion of ought to pass.

Adopted. Ordered to Third Reading.

HB 1129-FN-A, authorizing the Department of Environmental Services to clean up the Gilson Road Waste Site and making a appropriation therefor.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: This is not the hazardous waste site on Gilson road. This is an abutting piece of property formerly of the same owner as the hazardous waste site. This contains solid waste material packed into an old cement block building. The city of Nashua says the property is worth about \$70,000. The Department of Public Works says that it will cost about \$100,000 to clean it up. It is the estimate of others who have looked at it, that about \$25,000 put out on bid should provide necessary funds to clean up the mess. And the city of Nashua has offered the use of their dumpsite to dispose of it. The appropriation is \$25,000 not \$100,000 as the fiscal note would indicate. And the committee feels that the State will actually come out ahead if after this site is cleaned up, it is disposed of.

SENATOR JOHNSON: Senator Bond, this thought just occurred to me while you were reporting that bill. What would be the outcome if the State simply put that up for public auction with a provision that it would be cleaned up in accordance with whatever regulations were governing?

SENATOR BOND: Senator Johnson, I don't think that it would bring what it is worth, because the city of Nashua would then not be so generous as to provide about what we figured probably \$200,000 worth of fill space for the remnants to be dumped, because it would be coming from a private property owner.

Adopted. Referred to Finance (Rule #24).

HB 1196-FN, establishing a Legislative Study Committee relative to Wetlands Board matters.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: The purpose of this bill is to provide for a legislative committee to receive a report and recommendations from a task force presently studying the wetlands board. The intent of the task force is to get to the root of some of the problems. The legislature then will have to deal with some of those problems in the next session. It also includes in the amendment recommendations to deal with certain excavating permits in sand dunes, a section of the law that we took out in recodification in error in the last session.

SENATOR DISNARD: Senator Bond, my understanding from the Education Committee, the Recreation Committee is asking for two study committees today? Thank you very much.

Amendment to HB 1196-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sand dunes and establishing a study committee
relative to wetlands board matters.

Amend subparagraph II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The coordination and consolidation of federal and state regulations at local levels.

Amend subparagraph III(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Review and make recommendations relative to the simplification of the wetlands permitting process.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraphs; Excavating and Dredging Permits; Certain Exceptions. Amend RSA 482-A:3 by inserting after paragraph VI the following new paragraphs:

VII. No person shall destroy, raze, deface, reduce, alter, build upon or remove any sand or vegetation from any sand dune in this state; provided, however, that any person may remove sand which blows or drifts onto any lawn, driveway, walkway, parking or storage area, or boat ramp, or which blows or drifts in, on, or around buildings or other structures owned by the person.

VIII. Except as set forth in paragraph IX, no person shall operate or ride any mechanized or off highway recreational vehicle on any sand dune in the state of New Hampshire.

IX. This section shall not apply to:

(a) Police vehicles or fire vehicles.

(b) Vehicles used in cases of emergency.

(c) Authorized maintenance vehicles when performing maintenance duties.

(d) Vehicles used by commercial fishermen or commercial lobstermen when engaged in activities related to fishing or lobstering.

3 Definition. Amend RSA 482-A:4, I to read as follows:

I. Wherever the tide ebbs and flows, this chapter shall apply to all lands submerged or flowed by mean high tide as locally determined, **any sand dune or vegetation thereon in the state of New Hampshire**, and, in addition, to those areas within 100 feet of the

highest observable tide line which border on tidal waters, such as, but not limited to, banks, upland areas, bogs, salt marsh, swamps, meadows, flats or other lowlands subject to tidal action.

4 Vehicles Prohibited on Sand Dunes. RSA 215-A:5-a is repealed and reenacted to read as follows:

215-A:5-a Vehicles on Sand Dunes Prohibited. The provisions of RSA 482-A:3, VIII and IX shall apply, relative to the operation of mechanized or off highway recreational vehicles.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a 6 member legislative committee to study matters related to the wetlands board. The bill requires the committee to submit its report, with legislative recommendations, to the speaker of the house, president of the senate and the chairmen of the committee on resources, recreation and development and the committee on development, recreation and environment no later than December 1, 1990.

The bill also moves language relative to sand dunes to RSA 482-A, relative to fill and dredge in wetlands from RSA 215-A:5-a, relative to off highway recreational vehicles.

Amendment adopted. Ordered to Third Reading.

HB 1270-FN, relative to the enforcement of the hazardous waste laws.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: What this bill does, in fact, is to make it possible for all members of the Department of Safety, not just the state police, but all those who have police training and powers to conduct investigations, serve criminal processes, and make arrests in violation of issues dealing with hazardous waste laws.

Adopted. Ordered to Third Reading.

HB 1404-FN-A, establishing a study committee on shoreline protection and standards for such protection.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: In the 1989 session this legislature established a study committee for shoreline protection and setting standards for protection. That committee brought in a bill to the House in this session, however, the bill met considerable opposition due to some concerns of particular groups. The House agreed and the Senate

concurs that there should be further study of the shoreland protection and our amendment simply adds one more representative to the committee.

Amendment to HB 1404-FN-A

Amend paragraph III(k) as inserted by section 3 of the bill by replacing it with the following:

(k) Three members of the house of representatives, appointed by the speaker of the house. Two shall be from the resources, recreation and development committee and one from the municipal and county government committee.

Amendment adopted. Ordered to Third Reading.

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill is a very non-controversial bill, however, since we have excec the bill in Executive Department, which passed the House, by the way, on the consent calendar, we have become aware of another amendment which we would like to consider adding to this bill so that we could also offer a public hearing on that particular amendment. I would recommend that we recommit this to the committee for that purpose.

Senator Currier moved to recommit.

Adopted.

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: I would ask that this bill be recommitted to the committee so that we could check on some consistency in other legislation that we are dealing with in similar matters.

Senator Currier moved to recommit.

Adopted.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board.

Ought To Pass With Amendment. Senator Freese for the committee.

SENATOR FREESE: The amended analysis on the front of the bill describes the legislation pretty well. Over all, the bill spells out more clearly how these two boards, the pharmacy board and the board of registration in medicine, are to conduct their proceedings. They have the responsibility in the case of the pharmacy board of regulating the profession and in the case of the registration in medicine, disciplining the licensing of physicians. The legislation, in essence, makes the statutes more clear and it spells out a very clear understanding, which now there is some ambiguity to, that while they are investigating a complaint the subject material remains confidential and in cases where the board finds the subject of the license in a discipline hearing has been violated then that information is public, under the statute of 91-A. The committee amendment on page fourteen in today's calendar was part of the original bill, we trust you will support the bill as amended.

Amendment to HB 1431-FN

Amend RSA 329:9, XII as inserted by section 5 of the bill by replacing it with the following:

XII. The certification [and temporary certification] of **athletic trainers, emergency medical technicians-paramedics, and other** paramedical personnel, as provided for in RSA 329:[21, XII] 31-a;

Amend the bill by replacing section 19 with the following:

19 New Sections; Certain Persons Certified. Amend RSA 329 by inserting after section 31 the following new sections:

329:32 Certification. The board shall approve and certify athletic trainers, emergency medical technicians-paramedics or other paramedical personnel. However, such persons shall practice only while under the supervision and control of a physician licensed in this state.

329:33 Athletic Trainers Advisory Committee.

I. There is established a committee which shall serve to advise the board on matters concerning the certification of athletic trainers. The committee shall be appointed by the board and composed of the following 4 members, all of whom shall be residents of this state:

(a) One physician licensed to practice medicine in this state in accordance with this chapter.

(b) Three certified athletic trainers, who have been actively engaged in the practice of athletic training within New Hampshire for at least 36 months.

II. Members of the committee shall serve 3-year terms. Initial appointments to the committee shall be as follows: one member shall serve for one year; one member shall serve for 2 years; and 2 members shall serve for 3 years. As terms expire each January 1, the

board shall fill the vacancies. No member shall be appointed for more than 2 consecutive 3-year terms. Vacancies shall be filled for any unexpired term.

III. The board may remove any committee member for malfeasance, misfeasance, or nonfeasance.

IV. Members of the committee shall receive an in-state mileage allowance at the same rate provided state employees for actual attendance at meetings and examinations. No other expenses beyond such amount shall be allowed.

V. The committee shall meet monthly or more often as business requires. A chairman and other such officers as the board deems necessary shall be chosen annually from the members of the committee.

VI. A true record of the committee's official acts shall be made and preserved by the executive secretary. The record shall be public and open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings.

VII. Members of the committee shall enjoy the same rights of protection from personal liability as enjoyed by other employees of the state for actions taken while acting pursuant to this chapter and in the course of their duties.

AMENDED ANALYSIS

This bill makes certain technical changes in the law relative to the board of registration in medicine. In addition, the bill makes the following changes:

(1) Deletes the requirement that graduates of foreign medical schools complete a year of supervised clinical training in the United States before serving as a resident on a hospital staff.

(2) Repeals the requirement that a person be a citizen of the United States at the time of enrollment to medical school before he may be admitted to examination by the board.

(3) Extends the conditional licensure period from 6 months to 12 months for applicants from other states and countries.

(4) Authorizes the board to establish fines for administrative and disciplinary actions.

(5) Adds a vice president to the officers of the board and extends the period for which such officers shall serve from 1 year to 3 years.

(6) Repeals the advisory committee to the board.

(7) Doubles the renewal license fee for a licensee who fails to renew his license on time.

(8) Adds 3 consumer complaints as a reason for the board to investigate any licensee.

(9) Requires the board to certify athletic trainers, emergency medical technicians-paramedics or other paramedical personnel.

This bill also clarifies certain procedures followed by the board of registration in medicine and the pharmacy board and implements certain new procedures for each board. The bill codifies each board's authority to conduct formal or informal investigations and provides that the information gathered pursuant to an investigation is exempt from RSA 91-A, except to the extent that it later becomes the subject of a public disciplinary hearing. Such information may be disclosed for law enforcement purposes, to health licensing agencies, or in response to specific court orders. Investigations may be conducted by each board in an ex parte manner, that is, without notice to the affected party.

The bill declares that each board may subpoena medical or pharmacy records, as appropriate, at any time and that such subpoenas may be served by certified mail.

The bill further declares that complaints of misconduct may be settled by each board without the consent of the complainant if the facts are not in dispute. The bill requires that any final actions taken by each board be reduced to writing and served to the parties before becoming public.

For the board of registration in medicine, the bill expands the time period that a license may be suspended pending a hearing for cases involving imminent danger to life or health from 90 days to 120 days.

This bill was requested by the board of registration in medicine and the pharmacy board.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Krasker in the Chair.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance.

Ought to Pass with Amendment. Senator Magee for the committee.

SENATOR MAGEE: The Committee on Insurance felt this bill is basically what it says, it is a technical correction. It also addresses a problem that was not addressed in the last session, regarding the Director of Finance for the State of New Hampshire. That's basically the report. It is basically a technical bill, it is housekeeping, Senators, and the committee voted unanimously for the amendment and for the passage of the bill. Thank you very much.

Amendment to HB 1385-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

to make technical corrections in the retirement system laws and making an appropriation for the director of finance, and relative to eligibility for membership in the New Hampshire retirement system.

Amend the bill by replacing all after section 5 with the following:

6 Certain Legislative Employees to be Defined as "Employees" for Retirement System Purposes. Amend RSA 100-A:1, V to read as follows:

V. "Employee" shall mean any regular classified or unclassified officer or employee of the state or any department, commission, institution or agency of the state government by which an employee is paid through the office of the state treasurer; [except members and attaches of the general court or members of the executive council,] **or employees of the general court who work on a full-time basis and are eligible for other state benefits, but whose salary is calculated on a per diem basis** or any employee of any of the groups authorized to participate in the retirement system under this chapter but excluding any person who is a teacher; permanent policeman, or permanent fireman as defined in this section, **or who is a member or attache of the general court or member of the executive council.**

7 Buy-Back Provisions for Certain Legislative Employees. Amend RSA 100-A:3, I to read as follows:

I.(a) Any person who becomes an employee, teacher; permanent policeman or permanent fireman after the date of establishment shall become a member of the retirement system as a condition of employment; except that membership shall be optional in the case of elected officials [or], officials appointed for fixed terms, **or those employees of the general court who are eligible for membership in the retirement system.**

(b) Any employee who was or is an employee of the general court who works or who worked on a full-time basis and is eligible for other state benefits, but whose salary was or is calculated on a per diem basis shall be eligible to exercise those buy-back provisions set forth in RSA 100-A:3, VI(a), (b), and (c) for such previous service. This section is not intended to affect any rights previously conferred upon these individuals.

8 Effective Date.

I. Sections 1-5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill amends the retirement system laws by:

I. Changing the buy-in provision for credit for prior service under RSA 100-A:3, VI and the application of that law as amended in 1989.

II. Making an appropriation from the New Hampshire retirement system administrative account for the salary, benefits, and office equipment for the retirement system director of finance.

III. Clarifying that teachers retired prior to July 1, 1957 were only to receive one 20 percent supplemental allowance as of July 1, 1989, by repealing a duplicative provision.

IV. Insuring that accidental disability retirees and accidental death beneficiaries are to receive state-paid medical benefits during the biennium ending June 30, 1991.

V. Requiring non-retirement system members to pay a fee of \$25 when they petition the retirement system board of trustees for prior service credit.

VI. Permitting employees of the general court who work on a full-time basis and, who are eligible for benefits but whose salary is calculated on a per diem basis, to be eligible for membership in the New Hampshire retirement system.

Amendment adopted. Ordered to Third Reading.

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1195 allows businesses that are eligible for annual liquor and wine permits to have seasonal permits at one half the annual fee. The bill also extends canteen privilege to club members such as the right to bring guests to affiliated clubs providing a member holds a current membership card. The amendment puts into language HB 1410 a contingency provision which will correspond with the codification on to this bill. We urge ought to pass with amendment.

Amendment to HB 1195-FN

Amend the bill by replacing all after section 2 with the following:

3 New Subparagraph; Canteen Privileges Among Affiliated Clubs. Amend RSA 178:20, V(h) by inserting after subparagraph (4) the following new subparagraph:

(5) Every member of a club, affiliated with a national fraternal organization and licensed under subparagraph (h), shall be entitled to canteen privileges at every club with which his club is

affiliated in this state. Such canteen privileges shall include the right to bring guests to affiliated clubs, providing the member has on his person, and displays upon request, a current membership card of the national fraternal organization.

4 New Section; Seasonal License. Amend RSA 178 by inserting after section 30 the following new section:

178:31-a Seasonal License. Notwithstanding any other provision of law, the commission may issue a seasonal license, which shall be valid for 120 days from the date of issuance, to any individual, partnership, or corporation who is otherwise eligible for an on-sale license under RSA 178:19 or RSA 178:20, an off-sale license under RSA 178:16 or a license under RSA 178:17 or RSA 178:18. The fee for a seasonal license shall be 1/2 of the applicable yearly fee for the on-sale license or off-sale license under RSA 178:27.

5 Contingency Provision. If HB 1410-FN of the 1990 legislative session becomes law, then sections 3 and 4 of this act shall take effect July 1, 1990, at 12:01 a.m. If HB 1410-FN does not become law, sections 3 and 4 shall not take effect.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after their passage.

II. The remainder of this act shall take effect as provided in section 5.

Amendment adopted. Ordered to Third Reading.

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1256 allows certain importers to transport wine and liquor from their warehouses directly to state liquor stores and on and off premise licensees. In accordance to rules adopted by the commission, this was a pilot program and it was put in by administrative rules and now it is being put into law. The committee was told that right now it applies to only one importer, the Atlantic Trade Company. The amendment puts into language HB 1410, its a contingency provision which corresponds with the codification on to this bill and the committee recommends ought to pass with amendment. Thank you.

SENATOR STEPHEN: Senator Podles, does this allow the importer to transport without going through the distributor right to the stores, right to the retail stores?

SENATOR PODLES: Directly to the liquor stores, yes.

SENATOR STEPHEN: Yes, but, it says also off premises which is off licensee license. Like if I had a store and I'm selling wines, does that deliver right to the stores? They don't have to go through a liquor store commission?

SENATOR PODLES: It allows only certain importers, only to certain importers to transport wine and liquor. Yes.

SENATOR STEPHEN: Are you saying that they do not have to go through the liquor commission to get their wines, like they do now, like restaurants?

SENATOR PODLES: The liquor commission will determine where and when deliveries will be made. So they do have control.

SENATOR STEPHEN: So they do have to go through the commission?

SENATOR PODLES: Yes.

SENATOR STEPHEN: Well, you didn't say that. Thank you.

Amendment to HB 1256-FN

Amend the bill by replacing all after section 1 with the following:
2 Importers' Warehouse Delivery Program. Amend RSA 178:5 to read as follows:

178:5 Liquor and Wine Import Warehouse License.

I. No person shall import into this state for resale liquor or wine as defined by RSA 175:1 unless such person holds an import warehouse's license issued pursuant to the provisions of this chapter. The commission may issue an import warehouse's license to an applicant who possesses a suitable warehouse for product storage and maintains adequate business records readily available for inspection by the commission. Liquor and wine imported into the state pursuant to this chapter shall be sold only to the commission, consistent with applicable statutes, or to out-of-state entities.

II. Import warehouse licensed under paragraph I may transport wine and liquor from their own warehouses directly to state liquor stores and on-premise and off-premise licensees, in accordance with rules adopted by the commission pursuant to RSA 541-A, for the purposes of enhancing service to the state and its licensed purchasers, increasing selection for the benefit of consumers, and reducing the operating expenses of the state.

3 Contingency Provision. If HB 1410-FN of the 1990 legislative session becomes law, then section 2 of this act shall take effect July 1, 1990, at 12:01 a.m. If HB 1410-FN does not become law, section 2 of this act shall not take effect.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3.

II. Section 1 of this act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

HB 1295-FN-A, appropriating oil overcharge funds.

Ought To Pass. Senator St. Jean for the committee.

SENATOR ST. JEAN: The Internal Affairs committee listened to testimony on this piece of legislation we thought it was much needed and very well worded and it's a good piece of legislation.

Adopted. Ordered to Third Reading.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

Ought To Pass With Amendment. Senator Dupont for the committee.

SENATOR DUPONT: HB 1028 was a piece of legislation that came into our committee as a result of the number of the service clubs which have hall facilities. An existing state law limits the number of times which they can establish a liquor dispensing bar in their hall to serve private individuals that come into the hall to utilize the hall. Basically what we're doing is allowing them to expand the number of dates in which they can lease their hall and provide liquor. It has the support not only of the service organizations, but, also the liquor commission.

Amendment to HB 1028

Amend the bill by replacing all after section 1 of the bill with the following:

2 Increasing Number of Events. Amend RSA 178:20, V(h)(3) to read as follows:

(3) The commission may issue to a club licensed under subparagraph (h)(1) a supplemental license to set up a separate bar facility to serve liquor and beverages to private groups in a rental hall approved by the commission. This supplemental license shall allow the club to hold up to 18 events [for a fee or up to], 36 events [for an additional fee], or **52 events for the fees established in RSA 178:27, I**. The club shall be responsible for compliance with this title and any rules adopted under it. The club shall notify the commission at least 5 days before any scheduled event which shall be serviced by such bar facility. The commission may suspend the use of any bar facility without affecting the status of any other license in effect on the club premises.

3 Increasing Number of Events. Amend RSA 178:27, I to read as follows:

On-sale licensees shall pay the following applicable fees annually:				
	Supplemental Only	Beverages and Wine	Beverages and Liquor	Cocktail Lounge
Airport				\$1,200
Alpine Slide				1,200
Ballroom	\$45			1,200
Bed and Break- fast		\$480	\$840	
Bowling Facility				1,200
Catering (all)				1,200
Catering (off-site only)			840	
Club Social	18 events - 450 36 events - 750 52 events - 1,200	1,200		
Club Veterans	18 events - 450 36 events - 750 52 events - 1,200		840	
College Club				1,200
Convention Cen- ter				2,400
Dining Car		480	840	
Fairs		112		
Golf Facility				1,200
Hotel			840	1,200
One Day License				100
Performing Arts				336
Race Track				3,000
Racquet Sports				1,200
Rail Cars				1,200
Restaurant		480	840	1,200
Ski Facility				1,200
Vessel		480	840	1,200

4 Contingency Provision. If HB 1410-FN of the 1990 legislative session becomes law, then sections 2 and 3 of this act shall take effect July 1, 1990, at 12:01 a.m. If HB 1410-FN does not become law, sections 2 and 3 of this act shall not take effect.

5 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect as provided in section 4 of this act.

Amendment adopted. Ordered to Third Reading.

HB 700-FN, imposing minimum mandatory sentences for felonious use of firearms.

Ought To Pass With Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: This bill would amend seven statutes that presently provide for enhanced penalties for use of a firearm. It would also create, within the statutes, that if a person is convicted of a felony of which element is the possession or use or attempted use of a deadly weapon and that deadly weapon is a firearm, the court must sentence the offender to a minimum of not less than three years in prison for the first offense and not less than six years if that offender was previously convicted of a felony. One element of which was the possession or attempted use of a firearm. These minimum sentences shall not be suspended or reduced either in whole or in part.

Amendment to HB 700-FN

Amend the bill by replacing section 9 with the following:

9 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

HB 705-FN, relative to drug-free school zones and making appropriations therefor.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 705 is designed to create drug-free zones around schools. It offers a procedure to mark drug-free zones and it assists each school administrative unit in posting these signs. The bill also establishes a free state-wide hotline to report anonymous information concerning the drug activity. It makes it a misdemeanor to cover, to deface, to alter, or to destroy any sign marking a drug-free zone. It appropriates \$1 to the Department of Education for the funding of the signs and also \$1 to the Department of Safety for the toll free hotline. HB 705 sends a message that if you get caught, you will pay. It has some teeth in the penalty provision and it is clearly a positive step. It enforces this from the outside of the building and we hope that teachers will do it from the inside. The Department of Education favors the bill and also the New Hampshire School Board Association also supports this bill. The amendment clears up some language and the committee recommends ought to pass with amendment.

Amendment to HB 705-FN

Amend RSA 318-B:26, V as inserted by section 2 of the bill by replacing it with the following:

V. Any person who violates this chapter by manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1,000 feet of the school property as defined in RSA 193-A:1, IV, comprising a public or private elementary, secondary, or secondary vocational technical school, may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section. Except to the extent a greater minimum sentence is otherwise provided by this chapter, a sentence imposed under this paragraph shall include a mandatory minimum term of imprisonment of not less than one year. Neither the whole nor any part of the mandatory minimum sentence imposed under this paragraph shall be suspended or reduced.

Amendment adopted. Referred to Finance (Rule #24)

HB 1018-FN, relative to the penalties for bail jumping.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1018 attempts to close loopholes in the current statute on bail jumping. The bill imposes a penalty of up to \$5,000 and a seven year prison sentence for a person convicted of bail jumping after conviction for a class B felony. Presently the law only provides for jail sentences and fines for those who jump bail after committing a class A felony. It also imposes a fine up to \$1,500 for a bail jumping offense after conviction of a violation. The current law lacks this provision. We urge ought to pass.

Adopted. Ordered to Third Reading.

HB 1208-FN, reducing certain misdemeanors to violations.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1208 reduces three current misdemeanors to violations and it creates a new category of motor vehicle offenders certifiable as a habitual offender. A person that operates an off-highway recreational vehicle which is an OHRV while under the influence of alcohol or a controlled drug would be guilty of a violation for a first offense, instead of a misdemeanor as is the case of the present law, and a misdemeanor for a second offense. This change brings this provision into conformity with the penalties for operating an automobile while intoxicated. It also changes the penalty for

unauthorized automobile racing on public highways from a misdemeanor to a violation. A person using slugs instead of coins in coin-operated machines with the intent to defraud will be guilty of a violation instead of a misdemeanor as is the present law. 1989 saw a twenty-four percent increase over 1988 in the number of applications filed by indigents seeking defense counsel. HB 1208 will likely reduce fine revenues as well as indigent defense obligation. We urge your support.

SENATOR JOHNSON: Senator Podles, would you agree with me that there is an opportunity for the State to make a more concerted effort to recover the monies spent on the public defender program with the so-called indigent defense defendant?

SENATOR PODLES: I didn't understand your question.

SENATOR JOHNSON: Basically what I'm saying, Senator Podles, is that it is my understanding that we're spending a lot of money for public offenders here and my further understanding is that the so-called indigent defendants could re-pay some of that money and I think that it would be an opportunity for the State to tighten up its procedures and get some money back on that program instead of putting it all out.

SENATOR PODLES: I would agree with you, Senator.

SENATOR JOHNSON: Thank you.

Adopted. Ordered to Third Reading.

HB 1228-FN, relative to preparation of master jury lists by computer:

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: HB 1228-FN allows towns that have computers to choose randomly names of people drawn for jury duty. Customarily, the superior courts notify the towns and cities and they manually go through their check list and pick out every tenth or every twentieth person. This really steps in to a more technological modern age in those towns and cities that have computers to randomly choose jurors from this list. Thank you.

Amendment to HB 1228

Amend the title of the bill by replacing it with the following:

AN ACT

relative to preparation of master jury lists by computer and
a pilot program utilizing the driver's license list for
the purpose of preparing master jury lists.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Computer Option. Amend RSA 500-A by inserting after section 3 the following new section:

500-A:3-a Preparation of Master Jury List; Computer. Notwithstanding RSA 500-A:3, in municipalities which have computerized lists, the names on the master jury list may be chosen by computer on a random basis rather than by random draw.

2 County Pilot Program; Driver's License Lists Utilized for Juror Lists. The chief justice of the superior court shall, on or before July 1, 1990, designate one county to implement a pilot program utilizing the list of New Hampshire licensed drivers maintained by the New Hampshire department of safety for the purpose of preparing master lists of prospective jurors. After the program has been operating for one year, the chief justice shall file a report with the president of the senate and the speaker of the house addressing the feasibility of utilizing this procedure statewide and outlining any costs associated with the procedure. During the pilot program, the remaining counties will continue to use the current procedures in accordance with RSA 500-A.

3 Effective Date. This act shall take effect June 1, 1990.

AMENDED ANALYSIS

This bill allows a municipality to choose names for its master jury list by computer.

The bill also directs the chief justice of the superior court to designate one county to implement a one year pilot program utilizing the driver's license list for the purpose of preparing master jury lists.

Amendment adopted. Ordered to Third Reading.

HB 1316-FN, relative to the uniform reciprocal enforcement of support act.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1316 clarifies certain provisions in the uniform reciprocal enforcement of support act, in response to the federal mandate. Federal laws required that each State have a central interstate registry to coordinate all activities between our Court and the child support agencies of other States. The bill re-

quires that all interstate petitions of child support be filed at the central registry, which is housed at the Office of Child Support Enforcement Services in the Division of Human Services. The office will then forward the necessary papers to the appropriate court and will oversee the disposition of the case. The ultimate purpose therefor is to give the force of law to the central registry. It further deals with arrearages. Our courts have often been unwilling to recognize these out-of-state arrearages. The intent of this section is to authorize our courts to accept these out-of-state judgments. It also makes technical changes and the committee recommends ought to pass.

SENATOR JOHNSON: Senator Podles, was there any testimony in this bill that spoke to the effectiveness of the child support enforcement bureau over in health and human services?

SENATOR PODLES: No, we had no testimony on that.

SENATOR JOHNSON: Would you believe that I'm willing to believe that there is room for a significant amount of improvement in collecting additional money that is due under court orders?

SENATOR PODLES: I believe that, Senator. I believe that.

Adopted. Ordered to Third Reading.

HCR 13, a resolution to protect and preserve the tenth amendment to the United States Constitution.

Ought To Pass With Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: HCR 13 is a response to the Supreme Court's unwillingness, in *Garcia*, to construe the 10th amendment as limiting federal authority and carving out a sphere of exclusive state authority. If HCR 13 is adopted, New Hampshire would become the 17th State to adopt such a resolution. The bill as amended in the House adds the fact that would limit terms of office on the national level. For instance, it would limit the Senate to two terms, or two six year terms which would be twelve years, and in the House it would be four two year terms which would also be twelve years.

SENATOR PRESTON: I speak in opposition to this, Senator Roberge's amendment. I really think this is a little silly coming out of the Senate, that we're suggesting this at this time. Frankly, I think we said in our caucus today, the best jury sitting out there, whether you do a good job or if you do a bad job, are your constituents. And the people of New Hampshire have never refused to stand up and throw people out of office if they are not doing a good job. I never

met the man, but I think of Congressman Pepper out of Florida, who fought to his dying day for health care for the elderly, for concern for the elderly and he did more to cater to the health needs of the elderly than any other congress person. What is wrong with the continuity of some expertise down there? Who said twelve years, why don't you let the public and the constituency decide and let's not go along with a thought that's been put out here today and been debated. This is being disagreed upon by Republicans and Republicans and Democrats and Democrats.

SENATOR DISNARD: I think this is kind of ironic. Here we have an amendment to a House bill that wants to limit terms of service at the federal level. I think I would be a hypocrite. I don't find it addressing the members of this Senate, and if this was so, how many of us could not sit here today if this was passed? I think its unrealistic to pass a resolution telling the people at the national level how long they can serve, but it wouldn't affect us. This hits me the wrong way.

SENATOR MAGEE: Senator Disnard, would you believe that this member would vote if this bill addressed this body, I would vote in favor of this piece of legislation even if it included this body?

SENATOR DISNARD: Yes sir, I believe it if you said it, but maybe you should table it and have a motion if you feel that strongly.

SENATOR PODLES: Senator Disnard, would you believe that this is just a resolution and it does not have the force of law?

SENATOR DISNARD: Yes ma'am, I can read and I understand the word resolution. But, I still would be a hypocrite if I passed a resolution in my opinion now, telling some other body how long they can serve and not applying to us. It doesn't add up.

Amendment to HCR 13

Amend the title of the resolution by replacing it with the following:

A RESOLUTION

to protect and preserve the tenth amendment to the United States Constitution and relative to proposing a constitutional amendment to limit congressional terms.

Amend the resolution by replacing all after the title with the following:

Whereas, the general court finds, in relation to the tenth amendment, that:

I. The tenth amendment, part of the original Bill of Rights, reads as follows, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

II. The limits on Congress' authority to regulate state activities prescribed by the tenth amendment have recently been the subject of debate by the Supreme Court; and

III. The courts hold that the limits of the tenth amendment are structural, and not substantive, leaving states to find protection from Congressional regulation through the national political process, rather than through judicially defined spheres of residual state authority; and

IV. Recent U.S. Supreme Court decisions invite further federal preemption of state authority; and

Whereas, the general court finds, in relation to congressional terms, that:

I. Congress was originally envisioned by the founding fathers as a non-partisan, part-time legislative body whose members would take time from their normal businesses and professions to attend the congressional session for 4 to 5 months annually; and

II. The press of the nation's business has forced the Congress to become increasingly a highly-structured, professional and hierarchical institution rather than an informal, flexible gathering of citizens and legal intellects that obtained in the Federalist Era; and

III. The power of the incumbency has grown over time and with the institution of electronic media to the point that the incumbent is nearly unassailable in any normal election; and

IV. The seniority system in the Congress, though recently reformed, still places disproportionate stress on electoral longevity; and

V. Innovative ideas and rejuvenated vigor are more likely to come to the Congress through new members fresh from association with the American people; and

VI. The most common complaint that the public makes about congressional service is that Congressmen spend more of their time running for office than attending to their duties; and

VII. The power of incumbency makes biennial congressional elections an expensive, exasperating and, ultimately, rather meaningless waste of each Congressman's time and talents; and

VIII. Under Article V of the Constitution of the United States, an amendment to the Constitution may be proposed by Congress, or on the application of the legislatures of two-thirds of the states, the Congress shall call a constitutional convention for the purpose of

proposing an amendment, which, in either case, shall become part of the Constitution when ratified by three-fourths of the several states; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That, in relation to the tenth amendment:

I. It is the consensus of the general court that the tenth amendment to the Constitution of the United States is and always has been of operational force governing and balancing the respective powers of the states and Federal Government; and

II. The general court hereby affirms that the tenth amendment is a substantive limit on national power and should so be applied as a test by the Courts of the United States and of the several states in the cases coming before them where a question of the exercise of the federal authority is raised; and

That, in relation to congressional terms:

I. The general court hereby petitions the Congress of the United States to propose an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no more than 6 and to limit the number of terms a person may serve in the United States Senate to no more than 2; and

II. Alternatively, effective July 1, 1991, that pursuant to Article V of the Constitution of the United States, the general court of New Hampshire makes application to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States, for submission to the states for ratification, to limit the number of terms a person may serve in the United States House of Representatives to no greater than 6 and to limit the number of terms a person may serve in the United States Senate to no greater than 2; and

III. If Congress proposes and submits to the states for ratification, within 60 days after the legislatures of two-thirds of the states have made application for such convention, an amendment to the Constitution of the United States similar in subject matter to that contained in this resolution, then this application for a convention shall no longer be of any force or effect; and

IV. This application and request be deemed null and void, rescinded, and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

V. This application by the general court constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several States have made application for a similar convention pursuant to Article V or the Congress has proposed an amendment to the

Constitution of the United States similar in subject matter to that contained in this Joint Resolution; and

That suitable copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by them to the President of the United States, the Honorable George Herbert Walker Bush, the United States Senate, the United States House of Representatives, Senator Gordon Humphrey, Senator Warren Rudman, Representative Robert Smith, Representative Charles Douglas, III, the Council of State Governments, Lexington, Kentucky, and the National Conference of State Legislatures, Denver, Colorado.

AMENDED ANALYSIS

The general court by this concurrent resolution affirms that the tenth amendment is a substantive limit on national power and should be so applied as a test by the Courts of the United States and of the several states in the cases coming before them where a question of the exercise of federal authority is raised.

The general court by this resolution also petitions Congress to propose an amendment to the Constitution of the United States to limit the number of terms a person may serve in the United States House of Representatives to no greater than 6 and to limit the number of terms a person may serve in the United States Senate to no greater than 2.

Senator Preston requested a division vote.

10 Yeas

6 Nays

Amendment adopted. Ordered to Third Reading.

HB 1017-FN, relative to vendor check cashing policies.

Inexpedient To Legislate. Senator Stephen for the committee.

SENATOR STEPHEN: This bill prohibits vendors from recording information from credit cards presented by customers as a form of identification while paying by check. This would stop a business from writing down your credit card number for a credit check. The committee felt that this was just a good business practice to do that. Too many businesses are subject to bad checks. (Tape inaudible) to have a check on the checks. Good check system. Committee voted inexpedient.

Adopted.

HB 1092-FN, relative to equity sharing in low and moderate income housing and reverse equity loans.

Ought To Pass With Amendment. Senator Dupont for the committee.

SENATOR DUPONT: This legislation basically clears up some language that dealt with loans that had been offered through New Hampshire Housing Finance. It clarifies the language that deals with equity sharing on low or moderate income housing. Basically, these loans were established to allow people to be first time home buyers and the profit that would go to the sale of those homes during the first five years would be a break up of that profit as determined by rule by the New Hampshire Housing Finance and basically there was no support, no opposition. There was support within the committee and basically it clarifies the position that they need to clarify.

Amendment to HB 1092-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to low and moderate income housing, equity sharing, and reverse equity loans.

Amend the bill by replacing all after section 4 with the following:

5 Removing Certain Income Restrictions for Eligibility. Amend RSA 204-C:1, X to read as follows:

X. "Eligible persons and families" shall mean a person or persons, and families of 2 or more persons, irrespective of race, creed, national origin or sex, determined by the authority to require assistance under this chapter on account of insufficient personal or family income taking into consideration, without limitation, such factors as follows: (a) the amount of the total income of such persons and families available for housing needs; (b) the size of the family; (c) the cost and condition of housing facilities available; (d) the ability of such persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe and sanitary housing; and (e) if appropriate, standards established for various federal programs determining eligibility based on income of such persons and families. [For the purpose of initial selection, in no event shall the annual income, as determined by the authority, of such person or family exceed 6 times the annual rental or occupancy cost for the unit to be occupied.]

6 Removing Certain Income Restrictions for Eligibility. Amend RSA 204-C:24 to read as follows:

204-C:24 Tenants and Operations. With respect to mortgage loans made by the authority under RSA 204-C:15, before making a loan commitment for multi-family housing, the authority shall approve a

tenant or owner selection plan submitted by the eligible mortgagor. The authority shall make and publish rules from time to time governing the terms of such tenant or owner selection plans. Such plans shall include criteria for tenant or owner selection which establish income limits for eligible persons and families in accordance with rules of the authority, but which may vary with the size and circumstances of such person or family. [For the purposes of initial selection, the annual income of applicants for housing shall not exceed 6 times the rental or carrying charge for the unit to be occupied including the cost, if any, of heat, hot water, and other utilities, except telephone.] Tenant or owner selection plans shall provide that as between applicants equally in need and eligible for occupancy of a unit, preference shall be given to persons displaced by public action or natural disaster, pursuant to such rules as the authority may adopt.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill limits equity sharing by the New Hampshire housing finance authority on low and moderate income housing to profits made on a sale of the property if sold within the first 5 years after origination of the loan.

The bill allows the housing finance authority to adjust the terms and conditions of loans made before the effective date of this act under RSA 204-C:64, so that those loans will be in accord with the new limits of equity sharing.

The bill also allows the authority to make loans secured by homes owned by the elderly.

The bill removes the requirement that applicants for low and moderate income housing loans earn less than 6 times the rental or carrying charge for the unit being occupied.

Amendment adopted. Ordered to Third Reading.

HB 1282-FN, relative to licensing of nondepository first mortgage bankers and brokers.

Ought To Pass. Senator Dupont for the committee.

SENATOR DUPONT: This bill came before Senate Banks and it deals with nondepository first mortgage bankers and brokers. It would provide for a licensing procedure for those companies or individuals that either broker mortgages, or sell mortgages to the general public that are not banking institutions that do not take deposits. So the banking commissioner came in support of the legislation. There was really no opposition and we would ask the concurrence of the Senate.

Adopted. Ordered to Third Reading.

HB 1003-FN, relative to prima facie speed limits on local roads.

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: This bill allows local authorities in their respective jurisdictions to determine the speed in certain areas of their towns. The amendment merely says that they are not required to get a professional engineering study, that the opinion of local law enforcement agencies or in conjunction with state officials or others, that they could make this determination. It doesn't force them to go out and pay a consultant to arrive on a decision on speeds.

Amendment to HB 1003

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Outside Consultants. Amend RSA 265:63 by inserting after paragraph II the following new paragraph:

II-a. Local authorities shall not be required to hire outside consultants to determine the proper prima facie speed limits as provided in paragraphs I and II if the local community has sufficient staff to conduct the required engineering or traffic investigation.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover.

Ought To Pass With Amendment. Senator King for the committee.

SENATOR KING: This bill was amended by the committee to remove the designation on Elbow Pond. Elbow Pond is a pond that is surrounded by private land with no public access to the water. The residents of the pond wanted to be able to restrict the horsepower on the lake. It was felt that unless they were willing to provide a quid pro quo that would give public access to the lake that it wasn't good public policy for us to be restricting horsepower on a lake that had no public access. Instead what you see on page nine is horsepower restrictions on Lake Catherine in the town of Piermont. This is a deal that was made between a private land owner that owns all of the land surrounding a small lake, Lake Catherine in the town of Piermont, and the Fish and Game Department. The owner is donating a section of land for public access where Fish and Game will put

in a public access. In exchange for that the committee approved the concept of putting horsepower limitations on that lake for the privilege of having public access to it.

Amendment to HB 1020

Amend the title of the bill by replacing it with the following:

AN ACT

relative to motors and horsepower on Lake Katherine
in the town of Piermont.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Lake Katherine. Amend RSA 270 by inserting after section 119 the following new section:

270:120 Lake Katherine. No person shall use or operate a boat equipped with any type of petroleum-powered motor in excess of 5 horsepower on Lake Katherine in the town of Piermont. Whoever violates this section shall be guilty of a violation.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill prohibits the use and operation of a petroleum-powered motor in excess of 5 horsepower on Lake Katherine in the town of Piermont.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Magee moved to have **HB 685-FN**: relative to tenant evictions removed from the table.

Adopted.

SENATOR MAGEE: The floor amendment offered for HB 685-FN replaces the entire bill which was laid on the table. It's an agreed upon situation that includes mobile home people and the property owners. I wish Senator McLane was here to listen to this because she did a nice skit on me one day, because I was such a bad boy with all my tenant, landlord bills. But, this bill addresses all areas. Senator King is very aware of this situation. We talked about it when their committee heard the bill and we thought that next year we would be able to come back with some good legislation with all parties involved in the council. And that's basically what this bill does. I would appreciate the Senate's support on the bill and that's why I move for ought to pass as amended.

Senator Charbonneau moved to recommit.

Adopted.

Enrolled Bill Amendment to HB 95-FN

Amend the bill by replacing section 2 with the following:
2 Effective Date. This act shall take effect October 1, 1990.

Senator Currier for the committee.

SENATOR CURRIER: This amendment corrects the bill's effective date basically. It amends and it says that this act will take effect on 1 October 1990. It's dealing with AFDC recipients.

Adopted.

Enrolled Bill Amendment to HB 1191-FN-A

Amend RSA 17-I:2, V as inserted by section 1 of the bill by replacing it with the following:

V. To administer the New Hampshire heritage trust fund established under RSA 17-I:6.

Senator Currier for the committee.

SENATOR CURRIER: This amendment is basically very, very simple. It corrects a cross reference in the bill dealing with the trust fund for the New Hampshire Heritage and making an appropriation therefor.

Adopted.

Enrolled Bill Amendment to HB 1257

Amend RSA 260:52, V as inserted by section 13 of the bill by replacing line 4 with the following:

\$5. It shall be unlawful for any owner or driver to drive or cause to be

Senator Currier for the committee.

SENATOR CURRIER: This amendment reduces the fee paid by users of special fuel from \$20 to \$5 under RSA 26:52-V,5, in order to make that paragraph conform with the amendment RSA 26:52 V enacted in 1990.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled bills sent down from the Senate:

SB 314, relative to the New Hampshire energy authority.

SB 332, relative to electing zoning board of adjustment members.

SB 334, allowing the town of Ellsworth to establish a school district.

SB 335, relative to the department of libraries, arts and historical resources.

SB 400, increasing the appropriation for constructing regional vocational education centers.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled bills sent down from the Senate:

SB 355, relative to regional vocational centers.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled bills sent down from the Senate:

HB 530, creating a legislative oversight committee to insure the state agencies cooperate to meet the plans of the federal drug war.

HB 745, relative to the hazardous material transportation advisory board.

HB 1001, increasing agent fees for fish and game licenses.

HB 1004 relative to the tax abatement procedure.

HB 1075, relative to the location of court hearings and abuse and neglect cases.

HB 1108, establishing a committee to study child care in public and private sector buildings.

ENROLLED BILLS

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only.

HB 1190, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects.

HB 1422, permitting tinting glass in motor vehicle windshields and side windows for medical reasons.

HB 355, relative to the African Development Bank.

HB 1159, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure.

HB 1230, allowing Hart's Location to establish a school district.

HB 1274, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn.

HB 1281, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy.

HB 1283, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant.

HB 1339, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way.

HB 1359, relative to regional vocational education.

HB 1030, relative to cease and desist orders issued by the director of the division of forest and lands.

HB 1033, relative to fishing in the Connecticut River.

HB 1035, relative to biennial fish and game hearings.

HB 1036, relative to nonresident and resident wholesale marine species licenses.

HB 1040, relative to civil and criminal penalties in the safe drinking water act.

HB 1058, regarding restoration and preservation of state historic flags and making an appropriation therefor.

HB 1066, relative to the operation of bingo games.

HB 1084, relative to continuing care communities.

HB 1138, to change the formula for the distribution of highway funds in the Woodsville Fire District.

HB 1183, relative to supervision of highway agents.

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation.

HB 1185, to reclassify portions of certain highways in the town of New Castle.

HB 1288, relative to the interstate agreement on qualification of educational personnel.

HB 1414, relative to committee members of the state conservation committee.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Tuesday, March 20, 1990 at 1:00 p.m..

Adopted.

LATE SESSION

THIRD READING AND FINAL PASSAGE

HB 1050-FN, relative to "Junk Fax".

HB 1097, relative to legalizing actions taken at town and school district meetings and to the collection of the town portion of taxes in the town of Hooksett.

HB 1100, relative to the time for submitting proposed zoning ordinance amendments to the town clerk.

HB 1262-FN, relative to recording of ancient plats.

HB 1049-FN, relative to fishing licenses for non-institutionalized developmentally disabled persons.

HB 1196-FN, relative to sand dunes and establishing a study committee relative to wetlands board matters.

HB 1270-FN, relative to the enforcement of the hazardous waste laws.

HB 1404-FN-A, establishing a study committee on shoreline protection and standards for such protection.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance, and relative to eligibility for membership in the New Hampshire retirement system.

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members.

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

HB 1295-FN-A, appropriating oil overcharge funds.

HB 700-FN, imposing minimum mandatory sentences for felonious use of firearms.

HB 1018-FN, relative to the penalties for bail jumping.

HB 1208-FN, reducing certain misdemeanors to violations.

HB 1228-FN, relative to preparation of master jury lists by computer and a pilot program utilizing the driver's license list for the purpose of preparing master jury lists.

HB 1316-FN, relative to the uniform reciprocal enforcement of support act.

HCR 13, to protect and preserve the tenth amendment to the United States Constitution and relative to proposing a constitutional amendment to limit congressional terms.

HB 1092-FN, relative to low and moderate income housing, equity sharing, and reverse equity loans.

HB 1282-FN, relative to licensing of nondepository first mortgage bankers and brokers.

HB 1003-FN, relative to prima facie speed limits on local roads.

HB 1020, relative to motors and horsepower on Lake Katherine in the town of Piermont.

RECONSIDERATION

Senator Bond served notice of reconsideration on **HB 1050-FN**, relative to "junk fax".

Senator Dupont moved to adjourn.

Adopted.

Adjournment.

March 20, 1990

The Senate met at 1:00 p.m.

A quorum was present.

Senator Torr in the chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, help us to handle some of the mind boggling events which confront us!

Sometimes, we let our own positions become our own masters, instead of what is right for others!

Deliver us Lord, and set us free!

Amen

Senator Delahunty led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

COMMITTEE REPORTS

HB 716, to codify certain boating and water safety rules.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: HB 716 codifies certain rules of the Department of Safety pertaining to water usage. The amendment which you will find on page 9 simply adds a definition for commissioner and codifies under 270-D:4, certain permits for water events and the balance of the bill, which repeals some old statutes, remains the same.

Amendment to HB 716

Amend RSA 270-D:1 as inserted by section 1 of the bill by replacing it with the following:

270-D:1 Definitions. In this chapter:

I. "Boat" means every description of watercraft other than seaplanes, capable of being used or used as a means of transportation on the water and which is primarily used for non-commercial purposes, or leased, rented, loaned or chartered to another for such use.

II. "Commercial vessel" means any vessel carrying passengers for hire as a common carrier of passengers or property.

III. "Commissioner" means the commissioner of the department of safety.

IV. "Director" means the director of the division of safety services, department of safety.

V. "Division" means the division of safety services, department of safety.

VI. "Headway speed" means the slowest speed that a boat can be operated and maintain steerage way, but which does not exceed 6 miles per hour.

VII. "Motorboat" means any vessel being propelled by machinery, whether or not such machinery is the principal source of propulsion.

VIII. "No wake area" means an area where a boat is to be operated only at headway speed.

IX. "PFD" means a personal flotation device of a type approved by the United States Coast Guard.

X. "Person" means person as defined in RSA 21:9.

XI. "Vessel" means any type of watercraft used or capable of being used as a means of transportation on water, except a seaplane.

XII. "Wake" means any disturbance created on the surface of the water as a result of combined vessel motion and hull displacement.

XIII. "Water skiing" means a person being towed behind a moving motorboat on skis or on aquatic equipment designed for towing an aquaplane or any other device, including bare feet of a person, but excluding a person being towed in another boat or motorboat.

Amend section 1 of the bill by replacing all after RSA 270-D:3 with the following:

270-D:4 Permit for Water Events. Any person who undertakes any of the following activities on the public waters of the state shall first obtain a permit from the commissioner, subject to such conditions as he shall establish by rule:

I. Sponsor a water event, including but not limited to, a carnival or exhibition.

II. Place a water ski jump.

III. Tow a kit glider or parasail.

IV. Tow more than 2 skiers.

270-D:5 Overloading. No vessel shall be operated while carrying passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other operating conditions.

270-D:6 Inspections. All vessels afloat on public waters may be inspected by the commissioner or his duly authorized representative, to determine their seaworthiness and safety equipment at any time. No person shall allow any vessel which fails to pass such inspection to be used or operated on the waters of this state until brought into compliance.

270-D:7 Riding on Gunwales, Bow and Transom. No person shall operate a motorboat or ride as a passenger in a motorboat while sitting on either the starboard or port gunwales or the transom, and no person shall straddle the bow while the motorboat is in operation underway.

270-D:8 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, regarding:

I. Special permits to be issued under RSA 270-D:4.

II. Inspection of vessels under RSA 270-D:6.

270-D:9 Penalties. Any person who violates any provisions of this chapter or any rule adopted under RSA 270-D:8 shall be guilty of a violation.

Amendment adopted. Ordered to Third Reading.

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor.

Ought To Pass With Amendment. Senator Disnard for the committee.

Senator Disnard moved to recommit **HB 139-FN-A**, relative to special education disputes and making an appropriation therefor.

Adopted.

HB 1175-FN, establishing a committee to study choice in education.

Ought To Pass With Amendment. Senator Magee for the committee.

SENATOR MAGEE: This bill establishes a committee to examine choice in education. The amendment that is before you basically changes only the makeup of that committee. In the fact, the original bill had four members of the House and no members of the Senate, and I don't recall in my short tenure here that we would allow something like that to happen. So now we have four members proposed in the Senate and four members proposed from the House. Thank you very much.

SENATOR PRESTON: Senator Magee, I assume the millions of dollars in impact is incorrect, is that correct?

SENATOR MAGEE: That is correct, it is incorrect.

SENATOR PRESTON: So there is no money attached to this bill at all?

SENATOR MAGEE: That's the way I understand it, Senator. That is correct.

SENATOR JOHNSON: Senator Magee, on section 4 page 2 in regard to the report, this is a major study committee here now and is it really realistic to expect that a report will be filed January 1, 1991, or are we likely to be setting ourselves up for another bill to extend this committee?

SENATOR MAGEE: Senator, the thing that realistically in both the House measure and in our committee deliberations is that we would come back with that. We have the intent of taking this around the State and finding out what we can about the feelings of the entire State on this choice of education scenario. That's exactly what the intent of legislation is.

SENATOR JOHNSON: Senator Magee, would you agree with me that I understand the intent, but, time and time again where we've set these short deadlines on bills then we have to come in with another bill to extend the life of the committee and the reporting period.

SENATOR MAGEE: All I can say is that Senator Disnard and I are willing to serve on that committee and we will try and be as expedient as possible.

SENATOR PODLES: Senator Magee, can you tell me, you just indicated that you will be traveling all over the State. Am I correct, did I hear correctly or are you going to be situated here in the State House and your going to be studying this or are you going to be traveling all over the State?

SENATOR MAGEE: It was mentioned that we could conduct public hearings, Senator, across the State. I'm not saying that we have to talk to the entire State of New Hampshire, that's not the intent either.

SENATOR PODLES: Then, if you're going to be traveling across the State, it's going to be a very costly study committee. It doesn't say in the bill.

SENATOR MAGEE: Senator, what I'm saying is it is not a one million dollar proposition and, if there is some traveling involved, we're talking about maybe a dozen meetings at the most before this committee comes back with something. I don't believe that that is going to be a problem.

SENATOR PODLES: Senator Magee, it does not say that in the bill.

SENATOR MAGEE: Senator, I believe the fiscal note is incorrect, I said that before.

SENATOR NELSON: Is the purpose of having several meetings across the State because there are so many people from around the State who have expressed an interest in this, and a lot of people work and can't get to Concord and you wanted to bring Government to the people? Was this one of the reasons why you considered going into another area?

SENATOR MAGEE: That is absolutely correct, Senator Nelson.

SENATOR NELSON: Thank you.

SENATOR DISNARD: I wish to indicate the original House bill fiscal note was attached. The bill has been changed and amended in the House. There is no fiscal note attached. The only cost would be for four members of the House and four members of the Senate, if they desired to hold hearings in different parts of the State. I would like to call your attention to the committee folder in which there were eight or nine petitions, mostly people from Nashua and Manchester that are concerned and would like to have this study.

amendment to HB 1175-FN

Amend paragraph I of section 1 of the bill by replacing it with the following:

I. To examine different educational choice programs, including an educational voucher program for public and private schools.

Amend paragraph II of section 2 of the bill by replacing it with the following:

II. Four members of the senate, appointed by the president of the senate.

Amendment adopted. Ordered to Third Reading.

HB 1286, relative to special education.

Inexpedient to Legislate. Senator Disnard for the committee.

SENATOR DISNARD: The committee has recommended Inexpedient to Legislate. This was a bill relating to the statute of limitations and authority of hearing officers. Both sides agreed that it was unrealistic and it was inappropriate. The committee decided that this late in the stage to Inexpedient to Legislate. If the House Education Committee desires or another Education Committee desires, they could also hold a committee study during the up coming session.

Adopted.

HB 1073, relative to sales representatives' contracts.

Inexpedient To Legislate. Senator Disnard for the committee.

Senator Disnard moved to recommit **HB 1073**, relative to sales representatives contracts.

Adopted.

HB 1133-FN, relative to the executive secretary of the New Hampshire pharmacy board.

Inexpedient To Legislate. Senator Freese for the committee.

SENATOR FREESE: This bill would take the executive secretary of the Pharmacy Board, who is a registered pharmacist, from a labor grade 26 to an unclassified position in group L. They did have a valid argument in that this is a market driven position and a very responsible position, given the drug abuse problem that we have today. Most pharmacist can earn more than they can as a pharmacist out in the field. However, it was the feeling of the committee that we could not, in good conscience, increase this particular person's salary when the State was laying off so many people. We felt that if the board feels as strongly about it in the future that perhaps they can come back to the fiscal committee this summer or next session, come back to the legislature and we will reconsider it, if the State is in better shape financially. So we recommend Inexpedient to Legislate and we hope that you will support the committee report.

Adopted.

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill grants to the director of the office of security regulations, rule making authority; to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors. Basically that limit is now \$10,000 and it's increasing the limit to \$25,000 based on expanded security bonds and so forth that are now being offered in the State of New Hampshire.

SENATOR NELSON: Senator Currier, I noticed that the bill says for the protection of New Hampshire investors. Is there a problem? Are we changing it because there's a problem?

SENATOR CURRIER: Basically, it's changing the limitation, under the — rephrase your question — I'm not sure that I understand your question.

SENATOR NELSON: Well, I wondered why the bill was brought in. Because the original language said he shall determine but equal to at least \$25,000. This add public protection of New Hampshire's investors which reflects the integrity. I didn't understand why they were changing this or what they were actually doing?

Adopted. Ordered to Third Reading.

HB 1200-FN, to change the name of the governor's commission for the handicapped.

Ought To Pass. Senator Stephen for the committee.

SENATOR STEPHEN: This bill changes the name from Governors Commission on Handicapped to the Governors Commission on Disability. The Senate Executive voted unanimously to endorse this.

SENATOR HEATH: Senator, can you tell me what the reason for this is?

SENATOR STEPHEN: Senator Heath, I think the reason for this is the Commission on Handicapped would like to be, instead of using that term handicapped, called disabled.

SENATOR HEATH: Can you tell me why they would like to change it?

SENATOR STEPHEN: Well, I guess clearly because the physically handicapped folks would like to be referred to as disabled rather than handicapped.

SENATOR HEATH: Alright.

SENATOR STEPHEN: Just a name change.

SENATOR HEATH: Well, if we keep doing name changes, we need new stationary and new signs.

SENATOR STEPHEN: Well, we had a few of the folks that are disabled that came in and spoke on it and they were happy with the change. If you care not to change it, Senator, vote that way.

Adopted. Referred to Finance (Rule #24).

HB 1278-FN, relative to senior assistant attorneys general.

Inexpedient To Legislate. Senator Freese for the committee.

SENATOR FREESE: This bill is relative to senior assistant attorneys general. The Attorney General appeared before our committee and requested that we increased the eight senior assistant attorneys general so that there could be thirteen in this category. The amount that was requested in the fiscal note is \$18,000. The committee felt that this was increasing things piecemeal and that, in view of the other legislation that has gone down because of the budget crunch, that we shouldn't make exceptions on this, even though the plea seemed to be reasonable. We felt that the fiscal part of it should be addressed and so we ask that it be Inexpedient to Legislate.

SENATOR NELSON: Other than the money, if we don't allow them to have this, are the citizens of this State going to have any problems because we're not going to have representation?

SENATOR FREESE: It puts the pressure on the Attorney General's office as layoffs put the pressure on other departments in this State. We're just not a flush State at the moment and we felt that we can't make the exception for one that we can't make for another. We considered this long and hard and it was a very difficult decision. We felt that it should be Inexpedient to Legislate.

SENATOR NELSON: What area wanted these Attorneys General, did we need them in consumer divisions or in the prosecution of crimes?

SENATOR FREESE: The assistant Attorneys General are top echelon of the Attorney General's office. We felt they needed more expertise, more attention and it was feared that if we didn't do this, people would be walking off the job for the private sector and that could be what happens in that office, but it's been this way for a number of years and we felt, for the time being, at least that it should remain.

SENATOR NELSON: With the increases in crime and we want to put more people in jail, are we going to be delaying all kinds of situations like this in court cases? I mean, is it going to create a burden, on the other hand, because we can't give them a few more workers over there? Because it's such a major burden of cost to the State with the crime situation delayed.

SENATOR FREESE: It doesn't increase the workers, it increases the salary budget. It's a promotion within the department. It doesn't add any more people.

Adopted.

Senators McLane, Bass and Currier wished to be recorded as opposed to the motion.

HB 1346-FN, to restore medical benefits.

Inexpedient To Legislate. Senator Freese for the committee.

SENATOR FREESE: This was legislation for one specific doctor for the New Hampshire state hospital, who through no fault of his own did not get all the benefits he thought he was entitled to when he moved up here from Florida. Prior to the '89 session, anyone could come to work for the State for six-months or a year and then retire. Of course, his pension would not be very much because of the short time he was here. But, he would have had the full medical benefits that all retired people would get from the State when they retire. Many people were doing this and taking advantage of the

system, therefore, in 1989 we put legislation in place saying that you had to have worked for the State for ten years before you could get full medical benefits upon retirement. While this particular individual was not trying to take advantage of the system, his retirement fell just ten days short of being able to get benefit from it. However, the committee felt that we had to draw the line somewhere, so we are recommending Inexpedient to Legislate.

SENATOR CURRIER: Senator Freese, it's my understanding as a member of the committee that actually they were going to try and take care of this particular individual in another piece of legislation that is dealing with a similar matter. Because he didn't retire on his own accord so that he couldn't get the ten years, it was because the State actually shifted the program responsibility to Dartmouth Medical School.

SENATOR FREESE: You are correct and that amendment is on the desk in our committee now and we will be dealing with that shortly.

Adopted.

HB 1360-FN, relative to the regulation of private detectives.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill had extensive hearing and dealt specifically with the Department of Safety and their role in licensing private detectives in the State of New Hampshire. Basically, the bill broadens and clarifies the authority of the Commissioner to regulate the practices of private detectives. In some cases, because of the lack of regulations with regards to the licensure of private detectives in the State of New Hampshire, other states don't look very professionally towards the licensed detectives here in New Hampshire. Accordingly, by broadening some of the authority that the Commissioner of Safety has, it will enhance the overall profession of private detectives.

SENATOR KING: Senator Currier, did I hear you correctly when you said that this was going to enhance the profession?

SENATOR CURRIER: Enhance the profession? Yes, maybe it's the professional image.

SENATOR KING: Oh, enhance the professional image. Do you think it's the responsibility of the House and Senate of the State of New Hampshire to enhance the professional image of different organizations?

SENATOR CURRIER: I think the legislature does, through rule making and statutory authority that it gives all these boards and commissions to license those particular boards.

SENATOR KING: Final question, Senator Currier. How does this protect the health, safety or welfare of citizens in the State of New Hampshire?

SENATOR CURRIER: Well, hopefully so that they don't get a bad private detective.

Adopted. Ordered to Third Reading.

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of the judges.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: The judicial vesting and retirement committee established in the 1989 legislative session is continued by this bill. The committee is assigned the duty, with the advice of the legislative budget assistant and the board of trustees of the New Hampshire retirement system, of contracting for an actuarial study for all full-time judges to determine the contributions required of each judge if a vested judicial retirement compensation offer comes available.

Adopted. Referred to Finance (Rule #24).

HB 390-FN-A, relative to the New Hampshire retirement system investment practices.

Ought To Pass With Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: HB 390-FN-A, in truth, could be called a housekeeping measure. Our retirement system has been using RSA 100-A:15 as a guide to investment for the last twenty years. It has grown like topsy and has been added to piecemeal over the years. There are some sections that would appear to contradict other sections. With this bill, this section of the law has been rewritten to conform to a body of law that has grown up over the years, ever since it's been put into place. This bill deals with a different strategy for investments, mainly to provide an investors rule not what a prudent man would do in this situation, but what a prudent expert investor would do in this situation. We have added funding for a finance director. We created this position a couple of years ago

and we never have funded it. One of the points that the LBA audit made was that the retirement system is understaffed. The amendment adds an audit by a nationally known independent accounting firm, not merely from a monetary point of view, but also a review of their investment practices. We did this as a measure to clear the air because of the controversy that has surrounded the retirement system in recent articles in the media. The retirement system now has 1 billion plus in assets and they want to protect themselves and the system for the future. I think that they ought to be given the chance to do this. I urge your support of ought to pass.

Amendment to HB 390-FN-A

Amend the bill by replacing section 4 with the following:

4 Audit Required. In addition to any other audit requirements under RSA 100-A, the legislative budget assistant shall hire an independent, nationally known accounting firm to perform an audit of New Hampshire retirement system investment practices, dealing specifically with monetary and investment practices of the retirement system. The cost of the audit shall be a charge upon the funds of the New Hampshire retirement system. The audit and the resulting report shall be completed no later than December 15, 1990, and shall be submitted to the president of the senate and the speaker of the house.

5 Effective Date.

I. Section 1 of this act shall take effect 180 days after its passage.

II. Section 2 of this act shall take effect July 1, 1995.

III. Sections 3 and 4 of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes changes relative to the management of the funds of the New Hampshire retirement system by its board of trustees to require that "prudent man" investment practices be followed. The bill also requires the board of trustees to adopt a code of ethics. The code of ethics would require board of trustee members to disclose all conflicts of interest with their duties as board members, and to avoid impropriety and the appearance of impropriety in their activities.

In conjunction with the "prudent man" standard of investment, the board of trustees is required to submit an annual investment report on certain aspects of its investment practices at the same time an annual financial report of the board is completed.

The bill also includes a termination provision for the "prudent man" investment practices on June 30, 1995. On that date, the law will revert to the standard under current law, based on the investments which domestic life insurance companies may make.

This bill also requires the legislative budget assistant to hire an independent, nationally known accounting firm to perform an audit of certain New Hampshire retirement system investment practices. The audit and resulting report shall be completed no later than December 15, 1990, and is in addition to any other audit requirements under RSA 100-A.

Amendment adopted. Ordered to Third Reading.

HB 1409-FN, relative to the workers' compensation and making an appropriation therefor.

Ought To Pass With Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: This bill, dealing with workers' compensation, comes out of the governor's study committee that worked all last summer. It is a compromise bill. Workers' compensation rates are going up all over the country. Some funds are in trouble. Ours in New Hampshire is not and we would like to keep it that way. We think that with this bill we have a good chance of doing so. There are two amendments on the bill. One that is really a technical clean-up of the bill and another that places the chiropractors in the more prominent position on the Medical Review Board. The bill basically sets up a medical fees schedule to be effective July 1, 1993. This came as a result of much input from the medical community. It also speeds up the hearing process. It gives additional dollars for the workmen's compensation fund for three hearing officers, more support staff, a dispute resolution coordinator. It amends the appeals process toward a tribunal made up of one attorney, two people with at least five years experience in workers' compensation, and makes the decision appealable to the Supreme Court on points of law only. Medical bills are paid more promptly, medical reports must be filed in ten days after a visit. The insurance companies must accept or deny claim within twenty-one days after the filing. It increases the civil penalty authority of the commissioner. All businesses must file safety plans with the Commissioner of Labor and the commission must create multi-media educational programs. Thank you.

SENATOR STEPHEN: Just looking at this, Senator Delahunt, I believe that you worked hard in reviewing this bill over all. But, on page two, can you explain this to me in number seven where it says requires employees to be disabled for fourteen days before they may be reimbursed for the three days of injury. The current law provides a seven day waiting period. So what I read here is folks that are out injured have to wait two weeks before they can collect the first three

days, and as you know looking out for the little guy out there, you're adding an extra week, am I correct? We're adding another week to the waiting period.

SENATOR DELAHUNTY: Senator Stephen, I think you bring up a point and I think that you're absolutely right the way that it reads here. The point didn't come up in the hearing and I understand it just the way that you do the way it reads. But I think the overall results of the study committee certainly are a benefit to everybody involved. This may be a point that was probably compromised.

SENATOR STEPHEN: I understand, Senator Delahunt, and I like this bill. But, I'm looking out for the poor man out there who lives week to week and needs that pay check and don't you believe that possibly it would be best if they can be out one week instead of two weeks before they can receive a pay. Because somebody has to, some poor working man who has to wait two weeks that lives on a weekly pay. Wouldn't that effect them?

SENATOR DELAHUNTY: I have to defer to Senator Dupont.

SENATOR DUPONT: Senator Stephen, what it basically does is that it will not pay for the first three days of disability unless the disability continues for fourteen days or longer. The present law says that the first three days you aren't paid for unless you're out for a total of seven days. This does not delay the payment in any way, it just merely says that you have to be out for two weeks before you can collect for the first three days. So it moves that first three day division up from seven days to fourteen days.

SENATOR STEPHEN: Well don't you agree, Senator Dupont, that the waiting period of two weeks, an injured person has to wait two weeks before they get that three days pay.

SENATOR DUPONT: No. It has nothing to do with waiting to get paid. What it has to do with is you don't get paid if you're not out for a full seven days. In other words, the first three days of your disability are not paid for, unless you're out a total of seven days. This changes that so that you don't get paid for the first three days unless you are out for a total of three weeks or more. So it doesn't stall the payment that would come to you from being out, it just requires that you be out for a longer period of time before you can collect for those first three days.

SENATOR STEPHEN: But you agree, Senator Dupont, that you have to wait two weeks? Am I correct?

SENATOR DUPONT: Well, you don't have to wait for your check, if that is what your concern is. But, you have to be out for a longer period of time than the present law to be compensated for the first three days. All we're talking about is the first three days.

SENATOR STEPHEN: But you still have to be out, the waiting period extended is for another week, am I correct?

SENATOR DUPONT: Well, it's not really a waiting period. I think that is where the confusion lies, Senator.

SENATOR BARTLETT: Senator Dupont is it not correct that days four, five and six will be paid when four, five, and six come?

SENATOR DUPONT: That is correct.

SENATOR BARTLETT: The only money that is held is the first three days and it is not a two week delay. The only time that the two weeks comes into effect is if the employee is out less than fourteen days. Then he gets paid for four, five and on but he does not get paid for the first three?

SENATOR DUPONT: That is correct, Senator.

SENATOR BARTLETT: That is current law as far as the one, two, three only seven days verses fourteen. The waiting period has not changed.

SENATOR DUPONT: I understand it, but I have a difficulty explaining it, Senator.

SENATOR STEPHEN: What happens to the little guy, then?

SENATOR BARTLETT: The little guy gets just the same as he did last time.

SENATOR BLAISDELL: Just briefly, Senator Bartlett just asked a question, I was going to speak to you. Conference of insurance legislators have marked New Hampshire as one of the model states on workmen's comp. from what we have done. If you saw the horrendous thing that has been going on in Texas and other areas of the country, you would certainly be proud of what this bill does, and how we protected the integrity of the workmen's comp. So I support it and I think Senator Bartlett answered the other question.

Amendment to HB 1409-FN

Amend RSA 281-A:24, III as inserted by section 15 of the bill by replacing it with the following:

III. The commissioner shall create a peer review panel which shall consist of 5 members: one health care provider other than a

physician, one chiropractor; 2 physicians, and one rehabilitation provider who provides services and treatment to injured workers under this chapter. The panel shall develop, implement and establish procedures which may be adopted by the commissioner by rule and with which the peer review panel shall perform utilization review of services rendered by health care providers, chiropractors and physicians, to determine whether services are being rendered in such a manner which may be inappropriate with respect to either the level or the quality of care. Such procedures shall include, but not be limited to, guidelines for decertification, suspension of licenses and other disciplinary actions which may be taken against providers, chiropractors and physicians, when appropriate. When a health care provider, health care facility, or rehabilitation provider accepts payment for remedial treatment under this chapter, the act of accepting such payment constitutes consent to provide all records and other information concerning such treatment for utilization review and peer review as provided under this section.

Amend RSA 281-A:63, I as inserted by section 36 of the bill by replacing it with the following:

I. Any insurance carrier or claims adjusting company handling workers' compensation claims in this state shall utilize a claims adjuster licensed in New Hampshire and such claims adjuster shall maintain suitable facilities in this state.

Amend RSA 412:10-a as inserted by section 41 of the bill by replacing it with the following:

412:10-a Workers' Compensation Insurance Rate. All insurance carriers authorized to write workers' compensation insurance shall make available, at the written request of the employer, a workers' compensation insurance rate containing a deductible provision which shall bind the employer to pay, at a minimum, 100 percent of the first \$500 of benefits due to an employee, whether these benefits be medical benefits or indemnity benefits. The commissioner shall approve rates that include larger medical and indemnity deductibles on benefits greater than \$500. The commissioner shall prescribe the maximum medical and indemnity deductibles. Employers who choose to acquire workers' compensation insurance with a deductible provision, as to the amount of the deductible, are considered insurers and shall have the same responsibilities under the applicable sections of RSA 281-A.

Amend the bill by replacing all after section 44 with the following:

45 Percentage Increased. Amend RSA 281-A:59, III to read as follows:

III. Each insurance carrier and self-insurer, including the state, shall make payments to the fund of its pro rata share of one fiscal year's costs to be appropriated out of the fund. The governor is au-

thorized to draw his warrant for any sum payable by the state under this paragraph out of any money in the treasury not otherwise appropriated. The pro rata share shall be computed on the basis which the total workers' compensation benefits, including medical benefits, paid by each insurance carrier and self-insurer bore to the total workers' compensation benefits, including medical benefits, paid by all insurance carriers and self-insurers in the fiscal year ending in the preceding calendar year; provided, however, that no insurance carrier or self-insurer shall pay an assessment of less than \$100. The commissioner shall assess each insurance carrier and self-insurer as soon as possible after July 1 of each year. Total assessments shall not exceed [one] 1½ percent of the total compensation, including medical benefits, paid by all insurance carriers and self-insurers during the fiscal year which ended in the previous calendar year. The balance in the fund at the beginning of the new fiscal year shall proportionately reduce the assessments under this section. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, relative to the manner in which such payments are to be made.

46 New Position; Appropriation.

I. The insurance commissioner is hereby authorized to hire an insurance rate analyst II.

II. The sum of \$47,055 for the fiscal year ending June 30, 1991, is hereby appropriated to the insurance department for the purposes of paragraph I. This appropriation is in addition to any other funds appropriated to the insurance department and shall be a charge against the administration fund established in RSA 400-A:39. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

47 Applicability.

I. RSA 281-A:24, I as amended by section 15 of this act shall apply to all medical and rehabilitative care administered on or after July 1, 1993.

II. Sections 14, 16 and 29 of this act and RSA 281-A:24, II, III, IV and V as inserted by section 15 of this act shall govern all proceedings in workers' compensation matters pending before the department of labor on and after January 1, 1991.

III. Sections 3-12, 13, 17-22, 24-27, 30-33, 36, 39-42, and 44 of this act and RSA 281-A:2, I-a as inserted by section 2 of this act shall apply to all injuries compensable under RSA 281-A occurring on and after January 1, 1991.

48 Effective Date.

I. RSA 281-A:24, I, as amended by section 15 of this act shall take effect July 1, 1993.

II. Sections 1, 23, 28, 34, 35, 37, 38, 43, 46 and 47 of this act and RSA 281-A:2, I-b as inserted by section 2 of this act shall take effect July 1, 1990.

III. Sections 3-14, 16-22, 24-27, 29-33, 36, 39-42, 44, 45 of this act and RSA 281-A:2, I-a as inserted by section 2 of this act and RSA 281-A:24, II, III, IV and V as inserted by section 15 of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill implements some of the recommendations of the governor's task force on workers' compensation, established pursuant to executive order 89-4. Specifically, this bill, among other changes:

(1) Redesigns the hearing process by creating a compensation review commission to hear appeals on decisions of the commissioner before such appeals are taken to court. Any party aggrieved by a decision of the board may appeal to the supreme court.

(2) Mandates that once hearings are scheduled, they can only be continued by filing, at least 7 days prior to the hearing, a written petition with the department of labor.

(3) Establishes a 3-year time limit for claims to be filed for benefits under this chapter. Current law provides a time limit only when the notice of injury must be filed.

(4) Mandates that employees are not to be paid more than 100 percent of their after tax earnings, which is defined as gross earnings reduced by the amount which would have been paid under the Federal Insurance Contribution Act and income tax withholding, calculated on an annual basis using as the number of exemptions the disabled employee and dependents, without excess itemized deductions. Gross earnings are based on earnings during the proceeding 26 weeks. Current law authorizes it to be based on a period from 12 weeks to 52 weeks.

(5) Increases benefits for burial expenses from \$3,000 to \$5,000.

(6) Establishes a definition of maximum medical improvement which means the point at which the injured employee has healed and no further improvement is expected. Once an employee meets maximum medical improvement, he must either return to work or be classified as permanently totally disabled or permanently partially disabled. Current law authorizes such employee to remain in a temporary total disability status indefinitely.

(7) Requires employees to be disabled for 14 days before they may be reimbursed for the first 3 days of injury. Current law provides for a 7-day waiting period.

(8) Requires the commissioner to develop and establish a medical and rehabilitation fee schedule to be used to reimburse providers.

(9) Requires providers of services to file medical reports with the employer or insurance carrier within 10 days of treatment.

(10) Establish a peer and utilization review panel which is to be comprised of medical care providers. The panel shall perform utilization review of services rendered by health care providers, chiropractors and physicians.

(11) Changes the terms of members of the advisory council established in RSA 281-A:62 and adds to their responsibilities.

(12) Increases civil penalties for employers or insurance carriers failing to comply with the workers' compensation law.

(13) Requires claims adjusters to complete 30 hours of continuing education every 2 years.

(14) Requires all employers to provide safe employment and employers with 10 or more employees to prepare a written safety program regarding safety policies and to file such program with the commissioner on an annual basis.

(15) Requires the commissioner to develop and use as an educational tool a multi-media program on the workers' compensation law and safety procedures.

(16) Requires the commissioner to establish a toll-free information telephone line.

(17) Creates a new position of workers' compensation analyst. The duties of such analyst will include, but not be limited to, monitoring insurer compliance relative to filing certain statistical data, reviewing schedule debit and credit ratings and reviewing rate requests and filings.

(18) Provides criminal penalties for employers who fail to secure workers' compensation coverage.

(19) Provides that intoxication includes being under the influence of a controlled drug as well as under the influence of alcohol.

(20) Excludes workers' compensation for injuries without physical manifestation; injuries to an employee resulting from the employee's willful intention to injure himself or another; and conditions resulting from the aging process unless aggravated or accelerated by the injury.

(21) Provides for the hiring of additional hearing officers to carry out the system.

Amendment adopted. Referred to Finance (Rule #24)

HB 591, requiring grocery stores to mark each packaged item offered for sale with a price.

Ought To Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: HB 591 will make it easier for people to shop in super markets and grocery stores, because it will require that the items be marked individually or that a tag that can be readily read can be displayed. Remarkably, this had the support of the New Hampshire Retail Grocers Association and it had the support of the Commissioner of Agriculture who has general oversight over this kind of an issue. He pointed out that eighty percent of the dollars spent were in supermarkets and that there would be not additional burden to the so called mom and pop stores. The amendment simply changes the size of the price numbers from 1/2' to 7/16', and that's because that's the size that the wholesaler provides to the retailer.

Amendment to HB 591-FN

Amend RSA 438:26-a, III(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The regular price of each individual item. The price numbers shall be at least 7/16 of an inch in height.

Amendment adopted. Ordered to Third Reading.

Senator Heath took Rule 42.

Recess.

Out of Recess.

Senator Bond in the Chair.

HB 759-FN, relative to electronic surveillance in drug investigations.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 759 deals with electronic surveillance in drug investigations. It allows county attorneys under the Attorney General's supervision to permit police to use electronic surveillance without a warrant in certain cases, in accordance to procedures and guidelines that are going to be under the direction of the Attorney General by rule. The bill has wide support of the police community and the committee offers ought to pass.

Adopted. Ordered to Third Reading.

HB 1189-FN, relative to reimbursement for acts which require public agency response services.

Ought To Pass With Amendment. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: This bill enables the State and local communities to recover expenses incurred in responding to emergencies created by persons who negligently operate a motor vehicle, boat, off highway recreational vehicles, or aircraft while under the influence of alcohol or controlled drugs and causes any incident resulting in a public agency response or take another person hostage or should threaten himself or others causing any incident resulting in an appropriate public response. The amendment took out barricade himself in a building, under section 151-B:19 1 (b), and under 151-B:19 1 (a). The amendment just reworded phrases "a person shall be liable for response expenses if in the judgment of the court" and that's all that we had. I hope that you support ought to pass with amendment.

Amendment to HB 1189-FN

Amend RSA 151-B:19, I as inserted by section 1 of the bill by replacing it with the following:

I. A person shall be liable for response expenses if, in the judgment of the court, he:

(a) Negligently operates a motor vehicle, boat, off highway recreational vehicle, or aircraft while under the influence of an alcoholic beverage or controlled drug and thereby proximately causes any incident resulting in a public agency response; or

(b) Takes another person or persons hostage or threatens to harm himself or another person, thereby proximately causing any incident resulting in an appropriate public agency response.

Amendment adopted. Ordered to Third Reading.

HB 1194-FN, relative to costs of court-ordered services for or placement of minors and children and relative to liability of expenses for minors and children.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1194 removes by amendment sections 1 - 4 so all that you have left of the bill is sections 5 through 8. All it does is changes jurisdiction from the Superior Court to the District Court. It provides that if a parent or a legal guardian responsible for reimbursing the county for services to a delinquent child is financially able to do so but fails, the county may apply to the District Court for reimbursement. So this changes the present law which requires that the application for the lien be made to the Superior Court. The committee recommends ought to pass with amendment.

Adopted. Referred to Finance (Rule #24).

HB 1218-FN, relative to defense and indemnification of bail commissioners.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1218 includes bail commissioners amongst state employees whom the State will defend and protect if they are sued for any acts within the scope of their official duties provided those acts are not reckless. It would make bail commissioners employees of the State court system. This change would mean that the personal assets of bail commissioners would no longer be subject to attachment in order to satisfy judgments against them. All the amendment does is change the effective date. The committee recommends ought to pass with amendment.

Amendment to HB 1218-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to Third Reading.

HB 1227-FN, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: (Tape inaudible) is to distribute certain funds and those funds are five percent diversion funds to cities, towns, and counties for the prevention of child abuse and neglect. Prevention is the long range solution to the problems of child abuse and neglect. It's part of an effort to create a New Hampshire which is a safe place for New Hampshire children. It also establishes a committee to develop a Statewide community base plan for the prevention of child abuse and neglect. The amendment makes corrections and additions to the established committee. The committee recommends ought to pass with amendment.

Amendment to HB 1227-FN

Amend paragraphs V-VII of section 3 of the bill by replacing them with the following:

V. A representative of county government, appointed by the New Hampshire Association of Counties.

VI. The chairman of the New Hampshire child abuse trust fund board, or designee.

VII. Two members representing local child abuse coordinating councils from different regions of the state, appointed by the governor.

VIII. The chairman of the advisory board on children and youth services, or designee.

Amend the bill by replacing section 4 with the following:

4 Meetings; Compensation. The committee member who is the house member from the committee on children, youth, and juvenile justice shall act as interim chair of the committee and shall call the first meeting of the committee within 30 days of the effective date of this act. The committee shall elect a chair and vice-chair at its first meeting. Committee members shall serve without compensation. The legislative members of the committee shall receive legislative mileage when engaged in the business of the committee.

Amendment adopted. Ordered to Third Reading.

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children.

Ought To Pass. Senator Podles for the committee.

Senator Podles offered a floor amendment.

SENATOR PODLES: What I wanted to say is we have a floor amendment on this bill. What HB 1245 does is it extends the statute of limitations on prosecution for sexual assault offenses against children to twenty-two years past the age of eighteen, that means eighteen plus twenty-two. The bill allows for retroactive prosecution. However, we have a floor amendment which is going to take away that retroactive section. Because we have just heard from the Supreme Court clerk that it's going to take over a month. I would not like to lose the best part of this bill or jeopardize it, so we have this floor amendment. Under the present law the limitation here from the occurrence of a misdemeanor is six years. The present statute provides an inadequate time period in which a victim is expected to act. It keeps perpetrators safe from prosecution and denies the victim access to due process that should be their right. HB 1245 sends a warning to those people who sexually abuse children that sooner or later they will be held accountable for their action. The committee recommends ought to pass with the floor amendment.

SENATOR MCLANE: Senator Podles, the amendment merely does not make the bill retroactive. Is that true? I mean it still keeps the twenty-two years, but it's after the date of enactment of the bill that the twenty-two years will start to count?

SENATOR PODLES: Yes, that is true Senator. It just takes away that provision of retroactive.

SENATOR NELSON: Senator Podles, are we just removing the words before?

SENATOR PODLES: We are just removing the word before, because the attorneys feel that it's going to be unconstitutional.

SENATOR NELSON: Would it be important to note that removing the word before is a little different than the twenty-two years?

SENATOR PODLES: Yes it is different, you're going back, you go back to the 1970's somewhere.

SENATOR NELSON: Thanks.

SENATOR KRASKER: Senator Podles, perhaps I'm the only person who isn't understanding what you are saying, so I'm going to ask the question my way. What if a young girl was sexually assaulted who was under the age of eighteen years old when the offense took place and now it's seventeen years later, right now, today with that amendment, does she still have a right to bring charges?

SENATOR PODLES: Yes, she does. Eighteen plus twenty-two, within those years. Because the statute of limitation is now twenty-two years rather than six years which is the current law.

SENATOR KRASKER: Then I don't understand why we have an amendment.

Recess.

Out of Recess.

SENATOR ROBERGE: Senator Podles, I just wanted to tell you that I do understand.

SENATOR PODLES: You do understand. It's something that will happen now, and not something that happened before. The current law.

SENATOR ROBERGE: Senator Podles, just because you're amending this bill today does not mean that it's not going to be studied. It can come back retroactive in another bill next year.

SENATOR PODLES: Yes, it can.

SENATOR NELSON: I just wanted to clarify one thing. There is a big difference in what we're doing here. I understand that the Supreme Court is very busy and cannot return this for a month. But there was a specific request for this part of the legislation, because when the bill passed last year, everyone who was before that could

not go to court. So it's different for all those who are asking questions. This is a different part of the bill from the eighteen years from the time in which the incident occurred. This will not allow you to go back. Meaning before. I just felt that I should explain that there was a difference in those two parts of the bill. The reason it was introduced is because some people in this State felt as if people are falling through the cracks, and they are and they will. Thank you.

Floor Amendment to HB 1245-FN

Amend the bill by replacing section 4 with the following:

4 Applicability. The provisions of RSA 625:8, III(d) as inserted by section 2 of this act shall apply to victims injured under RSA 632-A on or after the effective date of this act.

Floor amendment adopted. Ordered to Third Reading.

HB 1289-FN, relative to DWI offenses.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1289 is an omnibus DWI bill that makes several changes in the current law. What it does is it provides that the blood and urine test for controlled drugs need not be conducted in the laboratory maintained by the Division of Health and Human Services, but, rather in any laboratory capable of performing such a test. It also requires that payments of all obligations in connection with this alcohol and drug related offense shall be made before a driver's license is restored and any person who is under arrest for a violation or a misdemeanor and he refuses to submit to this kind of alcohol and drug test shall lose their license for 180 days instead of the current 90 days. The amendment allows blood and urine testing be done in laboratories other than the division, however, the laboratories must be licensed by the United States Department of Health and Human Services, and under the direction of the Clinical Laboratory Improvement Act. It also establishes a committee to study the elimination of the trial. They know the system which currently permits new trials in Superior Court for all DWI's first offenses and second offenses of following convictions in the district court. So it's an entirely new trial in the Superior Court. In other words, what it does is, it provides two bites from the apple. So it makes sense, under this court structure, to change things because it duplicates things and its very costly. The committee recommends ought to pass with amendment.

Amendment to HB 1289-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system.

Amend the bill by replacing section 1 with the following:

1 Approved Testing Facilities. Amend RSA 265:85, II to read as follows:

II. All such blood and urine tests made under the direction of a law enforcement officer shall be conducted in the laboratory of the division of public health services **or, in the case of blood and urine samples to be tested for the presence of controlled drugs, in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended.**

Amend the bill by replacing section 10 with the following:

10 Committee Established; Membership. There is established a committee to study the feasibility of eliminating the trial de novo system. Membership of the committee shall be as follows:

I. Two members of the senate, at least one of whom shall be a member of the judiciary committee, appointed by the senate president.

II. Two members of the house of representatives, one of whom shall be a member of the judiciary committee, appointed by the speaker of the house.

III. Two persons representing the court system, appointed by the chief justice of the supreme court.

IV. Two district court judges, appointed by the president of the New Hampshire District and Municipal Court Judges Association.

V. One representative of the department of justice, appointed by the attorney general.

VI. Two county attorneys, appointed by the president of the New Hampshire Bar Association.

VII. Two defense attorneys, one from private practice and one from the public defender program, appointed by the president of the New Hampshire Bar Association.

VIII. Two members of the general public, appointed by the governor.

11 Meetings; Compensation. The committee member who is the member of the house judiciary committee shall serve as interim chair of the committee and shall call its first meeting within 30 days of the effective date of this section. The committee shall elect a chair and vice-chair at such meeting. Committee members shall serve

without compensation, except that members who are legislators shall receive mileage at the legislative rate when engaged in the business of the committee.

12 Report. The committee shall prepare a report on its findings, including recommendations for proposed legislation to be introduced in the 1991 legislative session, and shall submit such report to the speaker of the house, the senate president, the governor, and the chief justice of the supreme court on or before September 1, 1991.

13 Effective Date.

I. Sections 10-12 of this act shall take effect upon its passage.

II. Sections 6-9 of this act shall take effect 60 days after its passage.

III. Sections 1-5 of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill authorizes the testing of blood and urine samples for controlled drugs in laboratories other than the laboratory of the division of public health services.

The bill requires that the payment of all obligations in connection with certain alcohol-related and drug-related offenses shall be made prior to the restoration of a person's driver's license or privilege to drive.

The bill further changes the period of revocation of a driver's license for refusal of consent to take a blood alcohol or drug test.

The bill changes the name of the program for rehabilitation of drivers convicted of driving under the influence from "alcohol education program" to "impaired driver intervention program."

The bill also establishes a committee to study the feasibility of eliminating the trial de novo system in New Hampshire.

Amendment adopted. Ordered to Third Reading.

HB 1315-FN, relative to child support guidelines.

Ought To Pass With Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: The purpose of this bill is to modify the formula used to calculate a child support obligation and to comply with federal mandates. The first amendment to this bill has as its objective of child support as enacted last session and was to limit the amount of income required to be included in the formula for those employees who work in jobs that traditionally pay overtime. The intent was to protect those individuals from being forced to work overtime or to take second jobs to pay their child support payment. The second amendment's purpose is to enhance the professionalism

of guardians ad litem appointed to represent the interest of children in many divorce cases by requiring the Supreme Court to establish professional standards and practices and penalties for violations of such standards and practices for all such guardians ad litem.

Senator Heath moved to have **HB 1315**, relative to child support guidelines Laid on the Table.

Senator Roberge requested a division vote.

17 Yeas

2 Nays

Adopted.

HB 1441-FN, relative to medicaid fraud.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1441 is basically a housekeeping bill. It tightens up some of the statutes which will make it easier to prosecute medicaid fraud by providers of health care services and this includes hospitals. It creates a statute that would make it a class B felony to violate the provisions of this bill. In addition, it suspends or terminates from participation in the medicaid program any health care provider who has been found guilty of violating either the existing statute or the new provisions that would be created by this bill. The amendment just corrects some language and it changes the effective date. We urge passage with amendment.

SENATOR BOND: The report indicates no amendment, the committee report is ought to pass on 1441.

Senator Dupont moved to have **HB 1441-FN**, relative to medicaid fraud Laid on the Table.

Adopted.

HB 690, relative to surplus funds and expenditures by candidates.

Inexpedient To Legislate. Senator Heath for the committee.

SENATOR HEATH: We felt that this bill was unnecessary. That it was vague about intent. That it interfered with the process that was really a private arrangement between individuals who voluntarily gave to a candidate and candidates. So we felt it should be Inexpedient to legislate.

Senator King moved to have **HB 690**, relative to surplus funds and expenditures by candidates Laid on the Table.

Adopted.

HB 1110, relative to the election of Sullivan & Belknap County Commissioners.

Ought To Pass. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: This bill simply provides county commissioners in Sullivan and Belknap Counties to be elected on a staggered basis beginning with the 1990 State general election. There will be one county commissioner from each county commissioners district and at the 1990 State general election, the commissioner from district 1 should be elected to a four-year term. The commissioners from district 2 and 3 will be elected to a two-year term. At each subsequent State general election two of the commissioners whose terms are expiring shall be elected by all the voters of the county. One of them shall serve a four-year term and one a two-year term. Following the 1990 State general election, the four-year term shall be rotated in sequence, starting with district 2. This bill is effective upon passage.

Adopted. Ordered to Third Reading.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant.

Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: Essentially, this bill brings into conformity with other sections of the law the number of voters needed. The amendment erases the mention of towns of five thousand because that's hard to determine at a given moment.

Amendment to HB 1112

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the number of registered voters necessary to petition
for an article on a town meeting warrant and removing the
requirement that a town have a population of
5,000 or more to elect a board of
selectmen of 5 members.

Amend the bill by replacing all after the enacting clause with the following:

1 Number of Petitioners on Warrant Articles. Amend RSA 39:3 to read as follows:

39:3 Articles. Upon the written application of [10] 25 or more **registered** voters or [1/6] 2 percent of the **registered** voters in town, whichever is [fewer] less, presented to the selectmen or one of them

not later than the fifth Tuesday before the day prescribed for an annual or biennial meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. **For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election.** The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. Upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, so presented not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31, except that the session 3 weeks before the meeting shall not be required. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting.

2 Removing Reference. Amend RSA 41:8-d to read as follows:

41:8-d Revocation. A town which has voted to enlarge its board of selectmen [as provided in RSA 41:8-a] may rescind its action in the manner described in RSA [41:8-a and 8-b] **41:8-b**, except that the question shall read: "Are you in favor of decreasing the board of selectmen to 3 members?"

3 Repeal. RSA 41:8-a, preventing towns of fewer than 5,000 people from electing a board of selectmen of 5 members, is repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires written application of 25 registered voters or 2 percent of the registered voters, whichever is less, in a town of fewer than 5,000 registered voters to place an article on the warrant for town meeting.

The bill also repeals a provision requiring a town to have a population of at least 5,000 in order to elect a 5 member board of selectmen.

Adopted. Ordered to Third Reading.

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner.

Ought To Pass. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1116 has to do with foreclosures of manufactured housing. This bill is made necessary because a park owner normally owns the land upon which the manufactured housing is located and someone else actually owns the manufactured housing, both being real estate. It requires the park owner to notify the lien holder prior to termination of the tenancy, normally for reasons of non-payment of rent. However, in order for that requirement to be triggered, the lien holder has to have previously notified the park owner that it has a lien. This bill was supported by the House sponsor, of course, a lobbyist from the Manufactured Housing Association, who stated that they worked on this issue for up to two years. There was no opposition to this bill. We recommend ought to pass.

SENATOR BARTLETT: Senator Johnson, the analysis here, do I understand that the park owner must notify the lien holders twenty days prior to the termination of tenancy?

SENATOR JOHNSON: That is true, but, only if the lien holder has previously informed the park owner that there is a lien on the real estate in question.

SENATOR BARTLETT: What happens if this person just moves out? We have some properties just being abandoned now at the present time. What happens to the park owner if someone just packs up and moves out during the night?

SENATOR JOHNSON: This bill would not apply to that circumstance, Senator Bartlett.

SENATOR BARTLETT: So what you're saying is, he must be aware of it more than twenty-days in advance? Let me rephrase my question. If someone comes into the park owner's office and says I'm going to be gone in ten days, how does the park owner comply with the twenty-day notice?

SENATOR JOHNSON: I don't think that he would be able to. He just wouldn't be able to under the provisions of this bill.

SENATOR BARTLETT: Will he be in violation of any law?

SENATOR JOHNSON: No, I don't think so. I think that under the circumstances, he would go back to the lien holder and say, "hey this is happening in ten days instead of twenty," it would be mind boggling.

Adopted. Ordered to Third Reading.

HB 1259-FN, relative to the unclaimed and abandoned property act.

Ought To Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1259-FN has an amendment which is on page 11 of your calendar. The basic bill has to do with unclaimed and abandoned property. The bill is intended to facilitate the position of unclaimed and abandoned property. The bill was requested by the State Treasurer and the intent is to make it easier for the Treasurer to dispose of abandoned or unclaimed property. It has a side benefit in that additional revenue will come to the State as a result of this bill. The amendment on page 11 adds a new section, namely it has to do with abandoned intangible property whereas the basic bill had to do with tangible property. I think that we can look forward to a maximum return of State dollars to the State in those cases where it is appropriate and our committee recommends ought to pass with amendment.

Amendment to HB 1259-FN

Amend the bill by replacing all after section 12 with the following:
13 New Section; Abandoned Intangible Property. Amend RSA 471-C by inserting after section 3 the following new section:

471-C:3-a Abandoned Intangible Property.

I. Any intangible property, including but not limited to any interest, dividend, or other earnings on such property, less any lawful charges, held by a business association, federal, state or local government or governmental subdivision, agency or entity, or any other person or entity, regardless of where the holder may be found, the owner of which has not claimed or corresponded in writing concerning the property within 3 years after the date prescribed for payment or delivery, shall be presumed abandoned and subject to the custody of the state as unclaimed property, if:

(a) The current address of the owner is unknown; and

(b) The person or entity originating or issuing the intangible property is the state or any political subdivision of this state, or is incorporated, organized or created in this state.

II. Paragraph I shall not apply to property which is or may be presumed abandoned and subject to the custody of the state pursuant to any other provision of law containing a dormancy period different from that in paragraph I.

III. Paragraph I shall apply to all property held on the effective date of this section, or at any time after such date, regardless of when such property shall be deemed presumptively abandoned.

14 Period of Limitations. RSA 471-C:33, II is repealed and reenacted to read as follows:

II. Notwithstanding any other provision of law, the expiration of any period of time specified by law, during which an action or proceeding may be commenced or enforced to obtain payment of a claim for money or recovery of property, shall not serve as a defense in any action or proceeding brought by or on behalf of the administrator against any federal, state or local government or governmental subdivision, agency, entity, officer or appointee for the payment or delivery of any abandoned property to the administrator pursuant to this chapter or to enforce or collect any penalty provided by this chapter.

III. Paragraph II shall apply to all abandoned property held by any federal, state or local government or governmental subdivision, agency, entity, officer or appointee on or after the effective date of this paragraph, regardless of when such property shall be deemed presumptively abandoned.

15 Actions in Federal Court. Amend RSA 471-C:36 to read as follows:

471-C:36 Enforcement. The administrator may bring an action **on behalf of the state** in the superior court for Merrimack county **or in any federal court with jurisdiction** to enforce this chapter.

16 Repeal. The following are repealed:

I. RSA 471-C:10, II, relative to interest and dividends on abandoned property.

II. RSA 471-C:20, II(c), relative to proof of claim of ownership of property.

III. RSA 471-C:21, II and III, relative to filing certain reports concerning the administration of abandoned property.

IV. RSA 471-C:26, IV, relative to paying interest on abandoned property to the holder.

17 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill was requested by the state treasurer.

This bill expands the concept of abandoned property to funds owed under any insurance policy rather than simply life insurance policies.

The bill requires the payment or delivery of certain abandoned property to the administrator at the time of filing the report concerning such property.

The bill also removes a provision that required an administrator to pay interest on certain property held by him, for the period of time the property is held, to the claimant of the property.

The bill also changes the time frame within which an administrator must sell abandoned property from 3 years to one year.

The bill expands the concept of abandoned property to include intangible property and income on such property. Such property and income on it must be claimed within 3 years after the date established for payment or delivery.

The bill makes other technical changes in the abandoned property law.

Amendment adopted. Ordered to Third Reading.

HB 424-FN-A, relative to enhanced family care facilities and making an appropriation therefor.

Ought To Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 424 equalizes the rates between enhanced family care facilities and residential care facilities. The purpose of the bill is to encourage the development of enhanced family care as an alternative to expensive institutional placements. The enhanced family care homes provide care for DD placements and those with multiple handicaps who can not live on their own. Families who provide this enhanced family care, often as a long term commitment, have had no increase since 1982 and currently receive \$100 less per month than residential care facilities. The amendment changes the effective date to July 1, 1991, makes the standard of need change for residents of community living homes applicable to the next biennial budget so there will be no fiscal impact on this one. I urge its adoption.

Amendment to HB 424-FN-A

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Applicability. Notwithstanding section 1 of this act, the standard of need for residents of community living homes shall not be increased until July 1, 1991.

Amendment adopted. Referred to Finance (Rule #24)

HB 1240-FN, relative to the purchase and distribution of drugs for the control of infectious diseases.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB 1240 changes the word in statute from biological to pharmaceutical agents and it will permit the Division of Public Health to distribute synthetic antibiotics as well as the naturally produced biologicals to clients they are treating for sexually transmitted diseases.

Adopted. Ordered to Third Reading.

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies.

Ought To Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 1418 recodifies and clarifies statutes relative to licensing of child care providers by distinguishing between licensing for child care providers and licensing for residential care providers and child placing agencies. Most of the bill is already in statute and if you look at the analysis of the bill, it does accurately reflect the few major changes. Two committees were formed in 1989 to study the RSA's regarding child care and HB 1418 is the result of their studies during the spring of 1989. The Public Institutions committee made two amendments to the bill. The first one clarifies the number of children that can be cared for in a licensed exempt home to and I quote, "Any number of the provider's own children whether related biologically or through adoption and up to three additional children." That was for purposes of clarification. The second provides that no child care provider shall care for children in a manner that endangers the health or safety of the children in his or her care whether licensed or not as a child day care agency and I would urge its adoption.

Amendment to HB 1418-FN

Amend RSA 170-E:3 as inserted by section 8 of the bill by replacing it with the following:

170-E:3 Exemptions; Child Endangerment Prohibited.

I. The definitions in RSA 170-E:2, IV shall not apply to the following:

(a) Kindergartens, nursery schools, or any other daytime programs operated by a public or private elementary or secondary school system or institution of higher learning.

(b) Programs offering instruction to children, including but not limited to athletics, crafts, music, or dance, the purpose of which is the teaching of a skill.

(c) Private homes in which any number of the provider's own children, whether related biologically or through adoption, and up to 3 additional children are cared for regularly for any part of the day, but less than 24 hours, unless the caregiver elects to comply with the provisions of this chapter and be licensed.

(d) Child care services offered in conjunction with religious services attended by the parent or offered solely for the purpose of religious instruction.

(e) Facilities operated as a complimentary and limited service for the benefit of the general public in connection with a shopping center, ski area, bowling alley, or other similar operation where the parents or custodians of the serviced children are on the premises or in the immediate vicinity and are readily available.

II. Persons administering programs exempted from licensing pursuant to this section shall be subject to the provisions of RSA 170-E:4, II.

Amend RSA 170-E:4 as inserted by section 8 of the bill by replacing it with the following:

170-E:4 License Required; Prohibition Against Child Endangerment.

I. No person shall establish, maintain, operate or conduct any child day care agency without a license or permit issued by the department under this subdivision.

II. No child care provider, whether licensed as a child day care agency or exempted from licensing pursuant to RSA 170-E:3, I, shall care for a child in a manner which endangers the health, safety or welfare of the child. For purposes of this paragraph, endangerment shall mean the negligent violation of a duty of care or protection owed to such child or negligently inducing such child to engage in conduct which endangers his health or safety. Licensees in violation of this paragraph shall be subject to the provisions of RSA 170-E:12. Persons exempted from licensing who are in violation of this paragraph shall be enjoined by a court of competent jurisdiction in accordance with the provisions of RSA 170-E:22 from caring for such child and may be enjoined, as the court may determine, from caring for other children.

Amend RSA 170-E:15 as inserted by section 8 of the bill by replacing it with the following:

170-E:15 Operation Without a License. Whenever the department is advised, or has reason to believe, that any person is operating a child day care agency without a license or permit, or in violation of any of the provisions of this subdivision, it may make an investigation to ascertain the facts. If it finds that such person is operating or has operated without a license or permit, or in violation of any of the provisions of this subdivision, the department shall issue by certified mail a notice informing such person of the violation and requesting that it cease operating within 24 hours of the date notice is received. The department may report the results of its investigation to the attorney general or to the appropriate county attorney for prosecution.

Amend RSA 170-E:21, I(a) as inserted by section 8 of the bill by replacing it with the following:

(a) Conducts, operates or acts as a child day care agency without a license or permit to do so in violation of RSA 170-E:4, I;

Amend RSA 170-E:26 as inserted by section 8 of the bill by replacing it with the following:

170-E:26 Exemptions; Child Endangerment Prohibited.

I. The definitions in RSA 170-E:25, II and III shall not apply to the following:

(a) Families housing exchange students or up to 4 children in summer exchange programs.

(b) Nonresident families visiting the state for purposes of a vacation who have in their care foster children from their home state and have written approval of the out-of-state agency which supervises the foster children.

II. Families exempted from licensing pursuant to this section shall be subject to the provisions of RSA 170-E:27, II.

Amend RSA 170-E:27 as inserted by section 8 of the bill by replacing it with the following:

170-E:27 License Required; Prohibition Against Child Endangerment.

I. No person may establish, maintain, operate or conduct any agency for child care or for child-placing without a license or permit issued by the department under this subdivision.

II. No person, whether licensed as a child care agency or institution or child-placing agency, or exempted from licensing pursuant to RSA 170-E:26, I, shall care for a child in a manner which endangers the health, safety or welfare of the child. For purposes of this paragraph, endangerment shall mean the negligent violation of a duty of care or protection owed to such child or negligently inducing such child to engage in conduct which endangers his health or safety. Licensees in violation of this paragraph shall be subject to the provisions of RSA 170-E:35. Persons exempted from licensing who are in violation of this paragraph shall be enjoined by a court of competent jurisdiction in accordance with the provisions of RSA 170-E:46 from caring for such child and may be enjoined, as the court may determine, from caring for other children. The court in its order for injunctive relief shall provide for removal and placement of the child who is the subject of the order with an organization licensed pursuant to this subdivision.

Amend RSA 170-E:45, I(a) as inserted by section 8 of the bill by replacing it with the following:

(a) Conducts, operates or acts as a child care facility or child-placing agency without a license or permit to do so in violation of RSA 170-E:27, I;

Amend the bill by replacing section 12 with the following:

12 Committee Established; Duty. There is established a committee to study the feasibility of licensing those facilities which pursuant to RSA 170-E:3, I(e) as provided in section 8 of this act are exempted from licensing.

Amend paragraph V of section 13 of the bill by replacing it with the following:

V. Two representatives of those facilities described in RSA 170-E:3, I(e) as provided in section 8 of this act, appointed by the governor:

AMENDED ANALYSIS

This bill changes the laws relative to licensing of child care providers by distinguishing between licensing for child day care providers and licensing for residential care providers and child-placing agencies. Laws relative to licensing such distinct groups are now provided in two separate subdivisions of RSA 170-E. The bill also makes minor technical changes in the laws relative to such restructuring of RSA 170-E.

Changes in the laws relative to licensing of child day care providers include:

(1) Limiting the number of children which can be cared for in a license exempt home to any number of the provider's own children, plus 3 additional children.

(2) Changing the length of the licensing period from 2 to 3 years.

(3) Authorizing the department of health and human services to suspend a license until completion of a department approved corrective action plan.

(4) Retaining the exemption from licensing for facilities provided by operations such as ski areas and bowling alleys but establishing a study committee to determine the feasibility of requiring licensing of such facilities.

Changes in the laws relative to licensing of residential care providers and child-placing agencies include:

(1) Requiring that the fire code to be applied to foster homes in communities around the state be the fire code standard applicable to a single family home in such communities.

(2) Exempting from the misdemeanor penalty of operating without a license, those homes which are requested by either the division for children and youth services or a child-placing agency to receive a child or children on an emergency basis, such exemption to last for a period of up to 30 days from the date of placement of the child in the home.

(3) Adding definitions for "corrective action plan" and "independent living home."

(4) Requiring information about the governing bodies of the organizations to be licensed as residential care providers or child-placing agencies, such as the board of trustees or the board of directors, and the connection of members of such bodies with the facility or agency.

(5) Allowing conditions to be placed on a license, such as the gender and age of, and the length of time for, children to be served by the facility or agency.

(6) Establishing periods for which a license is valid as 3 years for group homes and child care institutions and 4 years for child-placing agencies.

(7) Requiring that, although the license itself is public information, all information collected during the license application process remain confidential.

The bill is a request of the department of health and human services.

Amendment adopted. Ordered to Third Reading.

ANNOUNCEMENTS

SENATOR BARTLETT: There has been some question as to when HB 1424 will be heard on the floor. It is my intention to have it a week from Thursday, which is, if my calendar is correct, the 29th. It is my understanding that there will be several amendments being offered. I ask out of respect to all those dealing with this piece of legislation, that the amendments be prepared for this body either this Thursday or the following Monday. That will allow all the Senators time to review the proposed amendments to this legislation and give them sufficient time to look at it. So, if you will as a courtesy, have all amendments either be presented to this body by Thursday of this week or Tuesday of next week so that the Senate may have the opportunity to review any and all amendments to HB 1424. Thank you.

SENATOR NELSON: Senator Bartlett, I noticed that you talked about several amendments coming out on this legislation on March 29th. Is there going to be a public hearing on any of those amendments or will they come right to the Senate floor?

SENATOR BARTLETT: Senator Nelson, as you know the rules and regulations of this body allows floor amendments to be presented by any Senator at any time without public hearing. But this is an important issue to many. There has been much discussion about it and therefore, I'm asking as a courtesy to this body that those who plan to present any amendments to HB 1424 at least provide it to the Senate no later than next Tuesday.

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 22, 1990 at 1:00 p.m.

Adopted.

LATE SESSION

THIRD READING AND FINAL PASSAGE

HB 716, to codify certain boating and water safety rules.

HB 1175-FN, establishing a committee to study choice in education.

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors.

HB 1360-FN, relative to the regulation of private detectives .

HB 390-FN-A, relative to the New Hampshire retirement system investment practices.

HB 591, requiring grocery stores to mark each packaged item offered for sale with a price.

HB 759-FN, relative to electronic surveillance in drug investigations.

HB 1189-FN, relative to reimbursement for acts which require public agency response services.

HB 1218-FN, relative to defense and indemnification of bail commissioners.

HB 1227-FN, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect.

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children.

HB 1289-FN, relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system.

HB 1110, relative to the election of Sullivan & Belknap County Commissioners.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant and removing the requirement that a town have a population of 5,000 or more to elect a board of selectmen of 5 members.

HB 1116, relative to notice to lienholders of termination of tenancy of a manufactured housing owner.

HB 1259-FN, relative to the unclaimed and abandoned property act.

HB 1240-FN, relative to the purchase and distribution of drugs for the control of infectious diseases.

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

March 22, 1990

The Senate met at 1:00 p.m.

A quorum was present.

Senator Roberge in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Often times it seems as though the session will not come to a close! Lord, help us. Many things will not come forth as some would like to accomplish. Bless Us Lord.

Amen

Senator Disnard led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RECONSIDERATION

Senator Disnard served notice of reconsideration on **HB 1360**, relative to the regulation of private detectives.

COMMITTEE REPORTS

HB 1027-FN, establishing a Black Bear Management Program and requiring a special bear license.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: HB 1027 establishes a Black Bear Management Program to be given specific attention and funded by a \$2 fee. The amendment on page 8 of the calendar today changes that \$5 figure to a \$2 figure. The special bear tag will be required similar to that used of a deer tag.

Amendment to HB 1027-FN

Amend RSA 208:24, II, III and IV as inserted by section 1 of the bill by replacing it with the following:

II. No person shall take wild black bears in this state without first procuring a special bear license and tag in addition to the applicable license to hunt issued pursuant to RSA 214:9 or 208:5. The cost of said special bear license and tag shall be \$2.

III. The special bear license and tag shall be in such form as determined by the executive director in rules adopted under RSA 541-A. The holder of a special bear license and tag shall, upon killing a bear, fill out and securely attach to the bear's ear the special bear tag bearing the name and address of the licensee and other information that the executive director determines to be appropriate. The bear tag shall remain attached to the bear as long as the bear carcass remains in the state. Only the bear tag issued to the licensee who killed the bear shall be attached to that bear. No person shall possess a bear tag that was not issued to that person. No person shall attach a bear tag to a bear he did not kill.

IV. The state treasurer shall establish a separate nonlapsing account within the fish and game fund, to be known as the bear management fund, into which all fees collected by the fish and game department from special bear licenses and tags shall be deposited. The moneys in this account shall be used exclusively to supplement the management, research, and protection of black bears, and are hereby continually appropriated for said purposes.

Amendment adopted. Referred to Finance (Rule #24)

HB 1029, relative to the sale of venison by licensed propagators.

Ought To Pass. Senator McLane for the committee.

SENATOR MCLANE: This may be a new industry for the State of New Hampshire, and the Commissioner of Agriculture was there to support the bill. The venison is a growing popular meat in high class restaurant. Ninety percent of the venison now comes from New Zealand, but a Mr. Underhill from Piermont was there who is raising venison and at this point it is illegal to sell venison meat in the State of New Hampshire. This bill is carefully drafted so that it would not include wild deer, but these are tame deer. Seven deer only take as much graze as one cow and there is less cholesterol in venison than there is in either turkey or chicken. So we learned a lot, it was an interesting bill, it was entirely supported and I recommend ought to pass.

Adopted. Ordered to Third Reading.

HB 1068, relative to the regulation of agricultural, vegetable flower, tree and shrub seeds.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB 1068 is a consumer bill that was requested by the Department of Agriculture. It updates our seed laws. Commissioner Taylor said it will bring New Hampshire in harmony with other states which have revised their seed laws. It will protect both the merchants and the consumers because under this bill packages of seeds will be covered by our law and in that way we'll guarantee that they are quality products and not so old that they won't germinate. So everyone who wants to plant a garden will have seeds that will grow.

Adopted. Ordered to Third Reading.

HB 1258-FN, establishing a New Hampshire clean lakes program.

Ought To Pass. Senator Preston for the committee.

SENATOR PRESTON: This bill expands the provisions of the control of exotic aquatic weeds. It broadens the areas regarding ridding some of the ponds and streams of milfoil and assists in a cooperative effort with the communities for the eradication of the weeds.

SENATOR JOHNSON: Senator Preston, this is an act establishing a New Hampshire clean lakes program and I don't see any kind of an appropriation attached thereto, and my question is how can we establish a clean lakes program without any expenditure of funds?

SENATOR PRESTON: Well, there was a fee of fifty percent that was being place by statute on boat owners, Senator. In that fund there is an estimated \$38,000 that they wanted to use to work with the communities.

Adopted. Ordered to Third Reading.

HB 1354-FN, relative to Boat Registrations.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: HB 1354 is a product of a study committee which was established by the last session of the legislature. It recodifies all the boat registration fees, simplifies and makes them more user friendly. The amendment which you will find on page 18 of the calendar does two things. It deals with the fees for jet skis and you will hear a floor amendment addressing that from Senator Currier later. It also updates the rest of the statute to conform to this new RSA 270-D. This is a product of a great deal of work this summer and it has apparently satisfied everyone since neither the House nor the Senate found any objections to the provisions of the recodified statute.

Amendment to HB 1354-FN

Amend RSA 72-A:2, I as inserted by section 3 of the bill by replacing it with the following:

I. All boats under 10 feet in length, except for ski craft as defined in RSA 270:73, V, under 10 feet in length.

Amend RSA 72-A:3 as inserted by section 4 of the bill by inserting after paragraph V the following new paragraph:

VI. The fees for a ski craft, as defined in RSA 270:73, V, shall be \$20.

Amend the bill by replacing all after section 14 with the following: 15 Rulemaking. Amend RSA 21-L:12, XIX to read as follows:

XIX. Operating common carriers on public waters, as authorized by RSA [270:7] **270-D:18**.

16 Division of Motor Vehicles. Amend RSA 21-P:8, II to read as follows:

II. Registration of commercial and private boats, as provided in RSA [270] **270-D:3**.

17 Division of Safety Services. Amend RSA 21-P:10, III to read as follows:

III. Watercraft safety regulation, as provided for in RSA 270 and **RSA 270-D**.

18 New Subparagraph; Rulemaking Authority; Commissioner of Safety. Amend RSA 21-P:14, II by inserting after subparagraph (2) the following new subparagraph:

(aa) Vessel registration and numbering under RSA 270-D.

19 Fish and Game Search and Rescue Fund. Amend RSA 206:42 to read as follows:

206:42 Fish and Game Search and Rescue Fund. The additional fee of \$1 collected under the provisions of RSA [270:5, VIII] **270-D:5, II(b)** for each private boat registered and under RSA 215-A:23, VII for each OHRV registered shall be paid over to the state treasurer who shall keep such fees in a special fund to be expended by the fish and game department for use in search and rescue operations. The special fund shall be nonlapsing. All funds received under this subdivision are continually appropriated to the fish and game department for the purposes of this subdivision. The fish and game department shall report to the fiscal committee on a quarterly basis beginning on October 1, 1989, on the expenditures made from the fund.

20 Waiver in Lieu of Court Appearance. Amend RSA 270:11-a to read as follows:

270:11-a Waiver in Lieu of Court Appearance. Any person charged with a violation of the provisions of RSA 270; RSA 270-A; or RSA [270-C] **270-D** on boats, floats, and rafts, excluding any offense for which the penalty is a misdemeanor or felony, may plead guilty or

nolo contendere by mail by entering a plea as provided in RSA 502-A:19-b. If the plea is accepted by the court, the defendant shall not be required to appear as directed by the court.

21 Acquisition Authorized. Amend RSA 482:48, I(i) to read as follows:

(i) The dam known as Shell Camp Pond dam or Jones Mill dam on Shell Camp Pond situated in the town of Gilmanton, water rights, land, and other connected facilities. Any land or facilities acquired by the division as a result of the acquisition authorized by this paragraph which the division, with the approval of the governor and council, determines not to be necessary to retain in order to achieve the purposes of this paragraph and any salvageable material similarly acquired shall be sold and the proceeds from such sale returned to the special fund established by RSA [270:5, VII] **270-D:5, II(a)**.

22 Required Registrations. Amend RSA 487:9 to read as follows:

487:9 Required Registrations. No boat shall be operated upon waters of this state having within or on it a marine toilet without a certificate of registration from the department of safety, division of motor vehicles, as required by RSA 270 and **RSA 270-D**.

23 Funding. Amend RSA 487:18 to read as follows:

487:18 Funding. An additional fee of \$.50 to those already collected under the provisions of RSA [270:5] **270-D:5, II(a)** for each private boat registered, shall be paid to the director of the division of motor vehicles. The director of the division of motor vehicles shall pay over said additional fees to the state treasurer who shall keep said fees in a special fund to be expended by the division of water supply and pollution control for the control of exotic aquatic weeds. The special fund shall be nonlapsing. All funds received under this section are continually appropriated to the division for the purposes of this subdivision. First priority for expenditure of these funds during the first year such funds are collected will be for promotional material and educational efforts informing boaters of the problems with exotic aquatic weed control. Second priority for the expenditure of these funds will be for the eradication of small, new infestations of exotic aquatic weeds in previously uninfested surface waterbodies, for the first funding year. Eradication of new infestations of exotic weeds shall be given first priority thereafter.

24 Pleas by Mail Procedure. Amend RSA 502-A:19-b, I to read as follows:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the normal fines for violations of the provisions of title XXI on vehicles, excluding violations of RSA 265:79, 265:82 or any offense for which the penalty is a misdemeanor or felony; the normal fines for violations of the provi-

sions of RSA 270, 270-A, and [270-C] **270-D**, excluding any offense for which the penalty is a misdemeanor or felony; and the normal fines for violations of the provisions of title XVIII on fish and game laws, excluding any offense for which the penalty is a misdemeanor or felony. The defendant shall be given a notice of fine indicating the amount of the fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons, unless otherwise ordered by the court. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the clerk of the court prior to the arraignment date or appear in court on the date of arraignment. Defendants in violation of the provisions of title XVIII shall be subject to the provisions of RSA 207:18 and RSA 214:19.

25 Effective Date. This act shall take effect January 1, 1991.

Amendment adopted.

Senator Currier offered a floor amendment.

SENATOR CURRIER: I would like to offer a floor amendment to this bill. It deals specifically with the section dealing with jet ski craft. I would like to discuss my motion. This amendment basically takes out the \$20 additional fee that was, without public hearing, added to this particular piece of legislation in the Development, Recreation and Environment Committee. In my estimation, this particular measure of adding a \$20 fee to a particular craft under the ten foot class is discriminatory in that other water craft under ten feet are only charged a basic fee of \$13.50. The surcharge, as proposed in the adopted committee amendment, would actually add another additional \$20 on for ski craft, meaning jet skis. Now there has been a lot of jet ski legislation adopted and for the most part there are very few lakes in the State of New Hampshire that are currently allowed to have jet skis on them. And to add an additional fee on a piece of water craft here without public hearing or public notice, irritates me just a little. We beat the hell out of these people who are in the business of selling these water crafts, which is obviously an attraction to people, tourists coming to the State. It seems to me that to add another layer of fees or surcharges on them is just a kick in the face when they are already down. I think this is a fairness issue and I think that we should not add this additional fee, because in reality the proponent, I'm not sure who the proponents are, of this particular fee is saying because of 10% of the enforcement cost are directly related to ski craft that they need this additional money for enforce-

ment. In reality, this money would go to the general fund and not actually not deal with enforcement and that's another reason why I'm against this amendment. I think its in the best interest of all concerned that this thing be taken out of the committee amendment. Thank you.

SENATOR MCLANE: I want to make clear that this amendment was not an amendment that was put in at the last minute, if the Senate eliminated all the amendments put in at the last minute we would be out of business. This amendment came from the resources and recreation committee. It is not singling out jet skis in that all other boats pay this registration fee, except for very small boats such as row boats and that is what it has always been. Small canoes and row boats any boat over 10 feet pays the fee. But because jet skis have caused so much trouble on our lakes, it was the opinion of the Dev. Rec. Committee that that one particular type of boat be included in that fee that other boats pay. Senator Currier is right. Jet Skis are only 2% of the boats registered and yet they are over 10% of the problems, the stops, the arrests that safety services makes. For that reason the Dev. Rec. Committee felt that even though jet skis were shorter than 10 feet that they should also pay the fee that all other boats pay.

SENATOR NELSON: Senator McLane, what are the jet skiers now paying for registration fees? Exactly what does a small boat pay? I'm not sure of the page that it's on in the calendar, but there is a list which now will become law of what all boats pay. I assume that it's on some page of the calendar, page 18. That all other boats have been paying a registration fee and jet skis because they were under 10 feet have not been paying a registration fee. I don't think this was singling out someone who's down. Jet skiers are not down. They are found on Lake Winnepesaukee, on New Found Lake, on all of our large lakes. I feel that they are there and they are causing expense to the Department of Safety and it was the opinion of the committee that they should also pay a fee.

SENATOR CURRIER: As a member of the Dev. Rec. Committee, would you enlighten me as to how many of the members of the committee were present when this amendment was added?

SENATOR MCLANE: It's hard to remember because these have been a very busy two weeks. But there was a full public hearing on this measure and the room was full of people including two of the more prominent jet skis, pro-jet skis, lobbyists. There was no objection even though there were questions asked as to what the jet skiers thought of this.

SENATOR CURRIER: Senator McLane, would you believe that under current law all boats including ski craft under 10 feet do not pay a boat fee, and that under current law all boats regardless of the size including ski craft pay a registration fee which is that \$13.50 that I referred to?

SENATOR MCLANE: Yes, and it certainly cost more than \$13.50 to stop the craft and to cite them and go to court.

SENATOR CURRIER: Last question then. Wouldn't you agree then that we should also include that \$20.00 fee for all boats under ten feet and not discriminate against jet skis?

SENATOR MCLANE: I had nothing to do with this amendment until it came before our committee. It is the opinion of the House Committee that presented this amendment that jet skis should have a registration fee.

SENATOR BOND: If you would refer to page 5 of your bill, you will find Section 270D:5 - Registration Fees. The registration fees for commercial, private and pleasure vessels including rentals and air boats shall be all craft up to 16-feet pay \$12 and so forth. That's for all boats. Now then you turn to page 15 of your bill and on the bottom of page 15, Section 72A:2 - Fee: A boat fee is by imposed on all boats except boats in the following exempt category. The following exempt category includes all boats under 10-feet in length, including ski craft as defined in RSA 277:3. Under 10-feet in length. Canoes, commercial boats, boats that are exempt under RSA 270D:4. The amendment that the committee proposed changed the word in that bottom line on page 15, from including ski craft to except for ski craft. And what Senator Currier has said is that change did not have a fair hearing in Dev. Rec. and that was a change from the intent. Now I have to say that that was not a change which came from the original study committee on boat registrations. That it was a change which we made in the Senate which is the only change, other than to insert those reference changes that legislative services asked us to.

SENATOR MCLANE: Senator Bond, I just want to be very clear in my own mind, where did this change about jet skis come from?

SENATOR BOND: A member of the House Committee came in with a proposed amendment which would insert the \$20 fee.

SENATOR MCLANE: One more question. Was that part of the entire long amendment in which all of these fees were spelled out, or were all the fees spelled out in the original bill?

SENATOR BOND: The House of Representative member who delivered us this amendment included that with all of the other things which they had already derived from legislative services.

SENATOR MCLANE: So I'm to assume that it came from the committee on whatever they call it, the Dev. Rec Committee of the House.

SENATOR BOND: I have a letter from Rep. Dickinson which I didn't bring over here with me which requested that we consider these amendments particularly the legislative services amendment.

SENATOR HEATH: I served on that committee and I do not remember that being part of the work of that committee. Now I did not sign on that piece of legislation, because I had some trouble with it. It didn't do what we set out to do. I thought we had set out to simplify the process and to perhaps broaden it and reduce the cost individually and I don't think that was achieved. So I'm not entirely happy with the results. But it was my impression that it was not on there as a part of that study group and I attended meetings here in Concord and in other locations in the State and I don't remember it being there.

SENATOR MCLANE: It is my impression that it did not come from the study committee, but came from the House committee of Recreation, Resources and Development, is that your opinion?

SENATOR HEATH: Yes, it came from an individual in my opinion, but, sometimes in the House an individual and the committee are mistaken for each other.

SENATOR DISNARD: Senator Bond, does this add to the boat fees that were changed two years ago, that the many boat owners, and hunters, fishermen were upset about? Is this an additional fee increase?

SENATOR BOND: Senator Disnard, this bill is revenue neutral. It does not change the cost of anything until we change this thing on jet skis, and by doing that we made it slightly revenue positive. If we were to remove that, if we were to concur with this amendment, the bill would still be revenue neutral.

SENATOR DISNARD: Thank you for an answer that I understand, I appreciate it.

SENATOR MAGEE: Senator McLane, is this just in your opinion more fees, fines, and taxes?

SENATOR MCLANE: The whole bill is a restructuring of the fees, fines and taxes and those are necessary in my opinion. Registering boats and having fees on boats is in order to pay for the Department Of Safety Services, Law Enforcement and the clean water and all of that.

SENATOR MAGEE: What I was speaking about, Senator McLane, was not the first portion of the bill, but, merely your amendment. That was my question was on your amendment, or the amendment that was on the bill, not on the bill itself.

SENATOR MCLANE: It is not my amendment. I want to make that very clear. It is, in my opinion, the amendment of the committee in the House and it is an additional fee on jet skis by definition of under 10-feet long to deal with enforcement problems.

SENATOR MAGEE: Thank you, Senator.

Floor Amendment to HB 1354-FN

Amend RSA 72-A:2, I as inserted by section 3 of the bill by replacing it with the following:

I. All boats under 10 feet in length, including ski craft as defined in RSA 270:73, V, under 10 feet in length.

Amend the bill by deleting RSA 72-A:3, VI as inserted by section 4 of the bill.

Amendment adopted. Ordered to Third Reading.

HB 1387-FN, relative to protecting the quality of surface waters.

Referred To Interim Study. Senator Bond for the committee.

SENATOR BOND: HB 1387, for all practical purposes, is a part of the Shoreline Protection Program that has been studied for the last year and which we have sent back to further study for a report next December. It was the feeling of the committee that the specifics of this bill should be included in the continuing study and not be acted on separately. So we have requested Interim Study and I asked the Chairman of the Shoreline Protection study committee to be sure that these issues are addressed and he has assured me that they will be.

Adopted.

HB 1405-FN-A, relative to sludge and septage management programs.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This was a messy bill but we cleaned it up. It transfers sludge and septage management for the Division of Waste Management to the Division of Water Supply and Pollution Control. With the amendment, it provides funding for personnel to actually provide supervision of sludge and septic management programs. Right now, there are representatives from different departments of DES who spend a small percentage of their time on managing septage. We recommend that this bill, as the amendment spelled out on 21 shows, be passed and sent to finance.

Amendment to HB 1405-FN-A

Amend RSA 21-O:7, I(a) as inserted by section 1 of the bill to read as follows:

(a) [Eight] **Eleven** of the members shall be public members appointed by the governor, with the consent of the council, who shall serve for terms of 4 years. Of these members, 2 shall represent the industrial interests of the state; one shall represent the vacation home or private recreational interests of the state; one shall represent the agricultural interests of the state; one shall be an employee of any municipal or privately owned waterworks in the state; **one shall be a representative of the septage hauling industry, nominated by the New Hampshire Association of Septage Haulers;** [and] one shall be a member of a state-wide nonprofit conservation or environmental organization; **one shall be a treatment plant operator; and one shall be a designer or installer of septic systems, nominated by the New Hampshire Association of Septage Haulers.** The 2 remaining members shall be appointed and commissioned respectively as the chairman and vice chairman of the council;

Amend RSA 485-A:30 as inserted by section 15 of the bill by replacing it with the following:

485-A:30 Fees. Any person submitting plans and specifications for a subdivision of land shall pay to the division a fee of [~~\$75~~] **\$80** per lot. Said fee shall be for reviewing such plans and specifications and making site inspections. Any person submitting plans and specifications for sewage or waste disposal systems shall pay to the division a fee of [~~\$75~~] **\$80** for each system. Said fee shall be for reviewing such plans and specifications [and], making site inspections **and for the administration of sludge and septage management programs.** The fees required by this paragraph shall be paid at the time said plans and specifications are submitted and shall be deposited with the treasurer as unrestricted revenue. For the purposes of this paragraph, the term "lot" shall not include tent sites or travel trailer sites in recreational parks which are operated on a seasonal basis for not more than 9 months per year.

Amend the bill by replacing all after section 18 with the following:

19 New Positions Established. There are created within the division of water supply and pollution control, department of environmental services, 2 new positions: One environmentalist IV and one clerk IV, who shall be classified employees qualified by reason of education and experience, and who shall administer the sludge and septage management programs.

20 Appropriation. The sum of \$79,000 is hereby appropriated to the division of water supply and pollution control, department of environmental services, for the fiscal year ending June 30, 1991, for the purposes of this act. The governor shall draw his warrant for said sum out of the appropriate fund. Funds for this appropriation shall be drawn from fees collected under RSA 485-A:4, XVI-a, and \$5 from each fee collected under RSA 485-A:30.

21 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill transfers the sludge and septage management programs from the division of waste management to the division of water supply and pollution control.

An appropriation, funded by fees collected by the department of environmental services, is made to the division of water supply and pollution control for the purposes of this bill.

Amendment adopted. Referred to Finance (Rule #24)

HB 1406-FN, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: This bill modifies the definition of waste in the Hazardous Waste Management chapter to include certain waste waters. It also establishes a committee to study the issue of medical waste. There is an additional correction in the statute regarding fees. The fee that was put in last year, we increased the license for a period of three years but we didn't make the license payment to be per year. So in effect we were losing \$58,000. This corrects that.

Amendment to HB 1406-FN

Amend RSA 147-A:2, XVIII as inserted by section 1 of the bill by replacing it with the following:

XVIII. "Waste" means any matter consisting of: garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other spent, discarded or aban-

doned material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include [solid or dissolved material in] domestic sewage, [or solid or dissolved material in] irrigation return [flows] **waters**, [or industrial] **wastewater** discharges [which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act as amended] **in compliance with applicable state or federal permits**, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Amend the bill by replacing all after section 13 with the following:

14 Hazardous Waste Transporter Fee Increased. Amend RSA 147-A:6, II to read as follows:

II. A permit application fee of [\$100] **\$200 per year** plus [\$25] **\$50 per year** for each vehicle listed in the application form, including trailers, flat beds, and barges, shall accompany each permit and permit renewal application. The division of waste management shall refund the individual vehicle fees if the application is denied.

15 Distribution of Civil Penalties. RSA 21-P:21 is repealed and reenacted to read as follows:

21-P:21 Civil Penalties; Revolving Fund. Any person who violates any of the provisions of this subdivision, any rule adopted under this subdivision or any term or condition of a license or permit issued under this subdivision shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The sums obtained from the levying of civil penalties or fees under this subdivision shall be credited to the department of safety to be used for state, local or regional emergency response programs identified by the commissioner and deemed appropriate by him to receive such funding. These sums shall be distributed at least annually. The department of safety shall establish a revolving fund into which it shall deposit the sums allocated in this section. The department of safety, with approval of the governor and council, shall be authorized to utilize the moneys from the revolving fund so created for the purposes outlined in this section.

16 New Subparagraph; Revolving Fund. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) Moneys received from the levying of civil penalties or fees by the department of safety under RSA 21-P:16-24, which shall be credited to the revolving fund established in RSA 21-P:21.

17 Effective Date.

I. Sections 7 and 8 of this act shall take effect July 1, 1990.

II. Sections 15 and 16 of this act shall take effect April 1, 1990.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill modifies the definition of waste in the hazardous waste management chapter to include certain wastewaters.

The bill makes certain changes relative to the hazardous waste cleanup fund.

This bill also establishes a committee to study the issue of medical waste. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house, the senate president and the governor, no later than November 1, 1990.

Amendment adopted. Referred to Finance (Rule #24)

HB 1427-FN, relative to the recycling logo.

Ought To Pass. Senator Bass for the committee.

SENATOR BASS: This bill allows the Department of Environmental Services to adopt rules which will standardized the contents of various plastics that are numbered in what is being developed as the national number system for recycling. There is a provision for coordination so its the same as the other states and it will help to make recycling of plastics in this State work better and more efficiently. We urge the Senate's adoption of the committee report of ought to pass.

Adopted. Referred to Finance (Rule 24)

SUSPENSION OF THE RULES

Senator Bond moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that the bill be put on Second Reading at the present time.

Adopted.

HB 1151-FN, requiring certification of wastewater treatment plant operators.

Ought to Pass. Senator Bond for the committee.

SENATOR BOND: HB 1151 was heard at 9 o'clock this morning by the Dev. Rec. Committee and as a result we did not have time to get the committee report in the calendar. The recommendation of the committee is Ought To Pass. The fiscal note on the back is incorrect. Presently the expenditures of the department are \$30,000. That would not be an additional cost. The only change would be that the revenue generated by this would equal \$12,500 which would off-set

some of that \$30,000. The bill was submitted at the request of DES and clarifies the definitions which are used for waste treatment plant operators and provides a program for certifying that the persons who operate waste treatment plants are qualified to do so.

Adopted. Referred to Finance (Rule #24).

Recess.

Out of Recess.

Senator Bass in the Chair.

COMMITTEE REPORTS

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefore.

Ought to Pass with Amendment. Senator Disnard for the committee.

SENATOR DISNARD: The bill, as amended in the calendar, only had two changes to the House Bill. The House bill's intent was to make the hearings in disputed handicapped cases less costly, cheaper, and not cost as much money to the parents, and to speed up the process. The other change explains more in detail the role of the mediator. However, there is a floor amendment at the request of the Department of Education. The committee unanimously approved ought to pass with amendment.

Amendment to HB 139-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to mediation of special education disputes
and to court-ordered placements, and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Mediation of Special Education Disputes.
Amend RSA 186-C by inserting after section 22 the following new subdivision:

Mediation

186-C:23 Mediation. In order to encourage informal resolution of differences of opinion regarding the provision of special education, and to assist parents and schools, this subdivision requires the local

education agency to notify the department of education in writing that an individualized education program, educational placement, identification, or evaluation of a child has been rejected by the parent, and establishes a 30-day period for discussion beginning on the date such notice is received by the department of education. Immediately following notification, the department shall communicate to the parent a description of the mediation process. While the use of this informal resolution procedure is strongly encouraged, it is not mandatory for either party. If this option is chosen by both parties, the department shall, during the 30-day period, schedule and conduct a mediation conference. The conference shall not be used to delay a due process hearing; however, both parties may agree to postpone the hearing pending a resolution.

186-C:24 Mediation; Procedure.

I. When disputes arise under this chapter, mediation shall be available through the office of the commissioner, department of education. Mediation shall be provided in accordance with the following:

(a) Attempts to resolve conflicts between the parent or parents and a school district are encouraged.

(b) Either party may be accompanied and advised at mediation by individuals with special knowledge or training with respect to educationally handicapped pupil needs. At least 5 days prior to the mediation conference, the mediator shall contact the parties to determine whether either party will be accompanied by an individual with special knowledge or training and shall notify the other party if such an individual will be in attendance.

II. Mediation shall be provided as follows:

(a) A request for mediation shall be made in writing by either party to the commissioner of education. The mediation request shall specify the issue or issues in dispute and the relief sought;

(b) A mediation conference shall be conducted within 30 calendar days after receipt of a written request at which time:

(1) Issues shall be determined;

(2) Options explored; and

(3) Mediation attempts made within New Hampshire law.

(c) The role of the mediator shall be:

(1) To facilitate communication.

(2) To define the issues and explore alternatives.

(3) To remain neutral.

(d) The mediation conference shall be:

(1) Informal; and

(2) Held at a time and place reasonably convenient and mutually agreeable to the parties in the dispute.

(e) If the mediation results in agreement, the conclusions shall be incorporated into a written binding agreement signed by each

party. If the mediation does not result in agreement, the mediator shall document the date and the participants at the meeting. No other record of the mediation shall be made. The mediator shall not be called as a witness in any additional proceedings in the specific case that he mediates.

(f) The mediator may terminate the mediation after at least one meeting if in the mediator's judgment the parties are not making progress toward resolving the issue or issues in dispute.

(g) Pending the outcome of mediation, no change shall be made to a pupil's classification, program or placement, unless both parties agree to the change.

III. The commissioner shall:

(a) Appoint impartial mediators.

(b) Assure that mediators receive appropriate training.

(c) Assign mediators on a regional basis.

2 New Paragraph; Appropriations Made Nonlapsing. Amend RSA 186-C:19-b by inserting after paragraph IV the following new paragraph:

V. All appropriations made for the purposes of funding court-ordered placements shall be nonlapsing.

3 Appropriation; Department of Education. The sum of \$5,000 is hereby appropriated to the department of education for the fiscal year ending June 30, 1991, for the purpose of mediator expenses under this act. The governor is authorized to draw his warrant for such sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill establishes mediation procedures within the department of education for informal resolutions of disputes between parents and local education agencies regarding special education programs, placements and evaluations.

The bill appropriates funds for the purpose of implementing these mediation procedures.

The bill also makes appropriations for purposes of funding court-ordered special education placements nonlapsing.

Amendment adopted.

Senator Disnard offered a floor amendment.

SENATOR DISNARD: This floor amendment is at the request of the Department of Education. The committee unanimously approved of it. You will recall the past Governor permitted and agreed to the increase of catastrophic aid money for the handicapped for \$1

million to \$5 million dollars. You will also recall the first two and a half times, approximately \$10,000, was the responsibility of the school district, but written in law, as an offset, the next 80% in the statute was the responsibility of the local district. However, at the same time, the House and the Senate strongly urged that rules be written, and this handles that, that any assignment over \$20,000 would be reviewed by the Department of Education. The idea being that they wish to assist the local school districts in finding less costly regional programs or establish them. That's what this does. But listen to me now, it also assists the Department of Education, this is important so you won't think I snookered you. This is important to have you understand. At that time, the State was supposed to review each IEP they disputed. We took their money away, we took their staff away, so it's not realistic for the Department of Education to have to rewrite the IEPs (The Individual Education Program) that were accomplished at the local level, because the State then would be responsible for the cost and placement of these pupils, which the local districts might not agree with. So what this does, the local school district, on any assignment over \$20,000, must notify the State. The State must approve it. If they disapprove it, they work with the parents and the local district to try and find a reasonable cost placement. That is what it does. Do you understand what I'm saying now? The State will not be involved in rewriting the IEP. That will still be the responsibility of the local school district, and it is important that you understand that.

SENATOR KING: Senator Disnard, is it my understanding, from what you said, that this is the result of legislation that took place during the last session?

SENATOR DISNARD: Two sessions ago, two years ago, we passed, in the House and the Senate, the legislation increasing the cost of the State to help the local school districts from \$1 million to \$5 million. I think it is \$6 or \$7 million now. We also agreed that the State, after the first initial payment, would be responsible for the next eighty percent, guaranteed it in a law. However, some cost containments were agreed with. The State was to review any placement over \$20,000. The intent, at the time of the legislation, was to develop regional programs which would avoid costly out-of-state programs and assist the communities, because all of the communities weren't aware of the others. This puts strength in that. That hasn't been done up to this time.

SENATOR KING: Senator Disnard, why is it then that this came in as an amendment to a bill instead of coming in as a bill, if they've known about it for two years?

SENATOR DISNARD: It was first discussed at a committee hearing and the committee did not agree with it. We recommitted the bill, we re-discussed it with the Commissioner of Education because some of us did not understand what we were doing. We understood, we agreed, and we think its a good thing.

SENATOR KING: Senator Disnard, has this been discussed with education officials at the local level?

SENATOR DISNARD: It was discussed several years ago at the local level, and it is my understanding, speaking with the Special Education Department of the State, this has recently been discussed and I have been lead to believe that the local school superintendents do not disagree with this.

SENATOR KING: Thank you.

SENATOR DISNARD: You understand how I said that?

SENATOR KING: Yes, I understand.

Floor Amendment to HB 139-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to mediation of special education disputes and
to individualized education plans, and making
an appropriation therefor.

Amend the bill by replacing section 4 with the following:

4 Individualized Education Plans. RSA 186-C:7, IV is repealed and reenacted to read as follows:

IV. The department of education, bureau of special education services, shall review any individualized education plan which includes a residential placement and for which the total cost of the placement exceeds \$20,000. After review, the bureau of special education services may approve the placement or recommend an alternative appropriate placement consistent with rules adopted by the board pursuant to RSA 541-A.

5 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill establishes mediation procedures within the department of education for informal resolutions of disputes between parents and local education agencies regarding special education programs, placements and evaluations.

The bill appropriates funds for the purpose of implementing these mediation procedures.

The bill also makes appropriations for purposes of funding court-ordered special education placements nonlapsing.

The bill also changes the procedure for review by the department of individualized education plans which include residential placements.

Amendment adopted. Referred to Finance (Rule #24)

Senator King wished to be recorded as opposed to the decision.

HB 1229-FN, relative to organizational and personnel changes within the department of corrections.

Ought To Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1229 establishes the official name for the Women's Prison at Grasmere. That name is The New Hampshire State Prison For Women. The original version of the bill called for referring to the person in charge as the director of the state prison for women. The Commissioner of Corrections appeared before the committee and pointed out that that person really should be called a warden. The committee agreed with that, and the amendment on page 10 reflects the fact that that person will be called a warden, and also changes it from an unclassified position to a classified position grade M. This is a basic fairness and equity bill because in the men's prison they are called wardens and in New Hampshire's men's prisons it is an unclassified position also.

SENATOR NELSON: I noticed that the bill makes some repeals. It says contracts with counties or other states for care and custody of female prisoners and the transfer of female prisoners. What are you repealing specifically? Is it going to be a cost to the county?

SENATOR JOHNSON: No, it's not going to be a cost to the county.

Amendment to HB 1229-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Care and Custody of Female Prisoners. Amend RSA 622 by inserting after section 33 the following new section:

622:33-a Care and Custody of Female Prisoners.

I. There is established a state confinement facility for female prisoners which shall be called the New Hampshire State Prison for Women.

II. The New Hampshire state prison for women shall be under the superintendence of a warden. The warden shall be an unclassified employee qualified by education and experience.

III. The operation of the New Hampshire state prison for women and the inmates confined to the New Hampshire state prison for women shall be governed by the same laws, rules and regulations which govern the state prison and inmates of the state prison, except as otherwise specified by law.

2 New Unclassified Position. Amend RSA 94:1-a, I by inserting in group M the following: warden, New Hampshire state prison for women.

3 Transfer. The person in classified position #18783 within the department of corrections on the effective date of this act shall become the unclassified warden of the state prison for women and shall serve at the pleasure of the commissioner of corrections as provided in RSA 622:33-a. Position #18783 in the department of corrections is abolished. Notwithstanding any other provision of law the unclassified position of warden of the state prison for women shall be funded within appropriations made to the department of corrections for the biennium and through the salary adjustment fund as needed.

4 Repeal. The following are repealed:

I. RSA 622:33, relative to contracts with counties or other states for care and custody of female prisoners.

II. RSA 622:34, relative to transfer of female prisoners.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill names the prison for women at Grasmere the New Hampshire state prison for women. It establishes the unclassified position of warden of the state prison for women.

The bill repeals 2 RSA sections regarding female prisoners which are duplicated in other laws.

Amendment adopted. Referred to Finance (Rule #24)

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services.

Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CARRIER: The amendment is on page 15 of today's calendar. The amended analysis refers to the bill establishing a non-lapsing revolving fund for the Department of Environmental Services. The fund is to fund the printing of materials for distribution,

provide education training assistance to municipalities, regional agencies, and to implement a training course for/and administer a test for certification of solid waste operators. The non-lapsing revolving fund shall not exceed \$20,000 on any June 30 of each year and any amounts in excess of \$20,000 is to be deposited in the general fund as unrestricted revenue. Basically what we're doing here is enacting a very similar clause to legislation that was previous adopted dealing with the office of State Planning and setting up a mechanism to establish training programs.

Amendment to HB 1252-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Revolving Fund in Department of Environmental Services. Amend RSA 21-O by inserting after section 1 the following new section:

21-O:1-a Revolving Fund. In order to enhance its ability to provide education and training assistance to municipalities and regional agencies, a nonlapsing revolving fund, which shall not exceed \$20,000 on June 30 of each year, shall be established in the department of environmental services. Any amounts in excess of \$20,000 on June 30 of each year shall be deposited in the general fund as unrestricted revenue. The moneys in this fund shall be used for the purposes of:

I. Printing materials for distribution. A reasonable charge shall be established for each copy of a document. This charge shall be only in the amount necessary to pay the cost of producing such document.

II. Providing training to local and regional officials. A reasonable charge shall be established for such training. This charge shall be fixed to reflect the cost of payments to experts to provide the training, the cost of written training material, rental of facilities, advertising and other associated costs. Such training shall be conducted in a geographically dispersed manner and scheduled with the convenience of part-time officials in mind.

III. Implementing a training course for and administering a test for certification of solid waste operators, as required under RSA 149-A:10. The registration fee for the course and its establishment and administration shall be as provided in RSA 149-M:10, III-a.

2 Initial Capitalization Not Required. No appropriation or other capitalization of the revolving fund established by RSA 21-O:1-a, as inserted by section 1 of this act, shall be required. The department of environmental services is authorized to expend budgeted funds for the purpose of initial printing of publications or provision of

training programs, with the charges assessed for such publications or provision of training to be deposited in the revolving fund established under RSA 21-O:1-a.

3 Deposit of Fee for Waste Management Training Course. Amend RSA 149-M:10, III-a to read as follows:

III-a. No person shall operate or construct a public or private facility after June 29, 1988, who has not completed a training course established and administered by the division under rules adopted under RSA 541-A. The registration fee for such course shall not exceed \$50 per attendee, **and shall be deposited in the nonlapsing revolving fund as provided in RSA 21-O:1-a.**

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a nonlapsing revolving fund in the department of environmental services. The fund is to fund the printing of materials for distribution, provide education and training assistance to municipalities and regional agencies, and to implement a training course for and administer a test for certification of solid waste operators. The nonlapsing revolving fund shall not exceed \$20,000 on June 30 of each year. Any amounts in excess of \$20,000 are deposited in the general fund as unrestricted revenue.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Bartlett moved that the Rules of the Senate be suspended to dispense with the notice of a committee report in the calendar, and that the bill be put on Second Reading at the present time.

Adopted.

HB 430-FN, relative to certification for real estate appraisers.

Ought to Pass with Amendment. Senator Bartlett for the committee.

SENATOR BARTLETT: As HB 430-FN came over from the House, it was a very simple bill. Everyone seemed to agree upon it. We sent it to Senate Research and Senate Research said the bill did not comply with the federal regulation. This has to do with the appraisers who do appraisal work. It is done for the banks, where it is federal money and federal insurance is involved. Our attorney, the sponsor of the bill, Representative Emerton, have worked for several days. We had a hearing this morning and if we weren't confused before, we

are confused now. Our rules required this bill must be reported out today. We have moved ought to pass as amended. We ask that the Senate go along with this motion. We have agreements among all parties, including the Banking Commissioner and Counsel who came in and said the 430 bill that passed over from the House did not meet the requirements, as far as they were concerned. We have agreements with the Banking Commission, the appraisers, our staff, and anyone willing to get together after we refer this to Senate Finance and try to work out the details. There is one thing that we do have on this piece of legislation, is time. It does not have to be effective until July 1, 1991. I think it would be in the best interest of the State of New Hampshire if we were able to work it out now and to make sure that we are in compliance with the federal regulation regarding appraisers. So therefor I ask that you pass the amendment, which we know is going to be changed. But, we hope it is going to be changed to make all parties feel comfortable with the legislation, on to Senate Finance with the hope that these people can get together and meet the concerns of the Banking Department and our legal counsel. Thank you.

SENATOR MCLANE: Senator Bartlett, I just received a note from someone that I cannot read the name and I don't know who it is and I'm trying to figure it out on the balcony, but they say, "HB 430-FN, relative to appraisers was amended this morning. And in no way resembles the bill the House passed. We suggest that the original intent." The appraisers and we hope for your support. I just guess I wanted to get you to say again that this bill will go down to appropriations in an effort to solve a problem. If you are confused by it, I'm not even beginning to be confused because I don't know anything. But it will have to come back to the floor of the Senate, and it is hoped that at that time that the appraisers and the bankers and the lawyers will all have gotten together.

SENATOR BARTLETT: Senator McLane, you're absolutely correct. The counsel for the Banking department indicated that this bill did not meet federal requirements on 430, and somewhere along the way we have to talk to a non-partisan person. Our attorney has some problems with it, our Research did, and therefor you are correct. We did not plan to send something down that the attorney for the banking department said was not legal. They felt the amendment, which was prepared by the sponsor of the bill, and he has worked on it, not just this morning, but he has worked on this over the past week, realizing there were problems in the legislation and he is trying to correct those.

SENATOR KING: Senator Bartlett, I'm not sure that I understand why we need to move on this now before we see the amendment?

SENATOR BARTLETT: The amendment is here. It's supposed to be here.

SENATOR KING: I don't have the amendment, does anyone have the amendment?

SENATOR BARTLETT: You're absolutely correct, Senator.

HB 430-FN was continued later in the session pending the arrival of the committee amendment.

HB 1069-FN, relative to the dig-safe law.

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: This bill amends the dig safe law to authorize the public utilities commission to levy a fine up to \$500 on a company that fails to notify the PUC for excavations for the protection of various utility cables and pipes and so forth. It also clarifies in the amendment the responsibilities of the excavator in the utility.

Amendment to HB 1069-FN

Amend the bill by replacing section 1 with the following:

1 Failure to Notify Public Utilities Commission of Excavation; Fine Authorized. Amend RSA 374:55, II to read as follows:

II. Any excavator who does not give notice of an excavation as required by RSA 374:51 [and who damages an underground utility facility in the course of that excavation] shall be subject to a civil penalty of up to \$500 for **failure to give such notice** [damages to utilities resulting from that excavation], in addition to any liability for the actual damages.

Amend the bill by replacing section 2 with the following:

2 Enforcement. Amend RSA 374:55, V to read as follows:

V. The commission or any commission employee, involved in the "Dig Safe" program and designated by the commission, may enforce violations of this subdivision [by initiating, or requesting the attorney general to initiate, an action in any appropriate district court]. Any excavator or utility company [which suffers damage resulting from violation of] **that violates** this subdivision [may request the commission to initiate, or request the attorney general to initiate, such action] **shall be subject to a civil penalty as determined by the commission under paragraphs II or III.** Any excavator or

utility company which suffers damage resulting from violation of this subdivision may petition the commission to initiate an enforcement action.

Amendment adopted. Ordered to Third Reading.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor.

Ought To Pass With Amendment. Senator Dupont for the committee.

SENATOR DUPONT: In the last session, we passed legislation that set up a study committee to take a look at all of the State's data processing needs. As part of that study, we hired a consultant who was to act on some policy questions that the committee put forward. The committee has done a great job, and some information you may have seen relative to the work of the study committee. However, when it came time to hire the consultant, the amount of money that was appropriated was inadequate. What we did with the amendment to this bill is appropriate \$115,000 out of an existing appropriations that has not been spent. Basically, it will allow the study committee to move forward with the consultant's work.

Amendment to HB 1070-FN-A

Amend the bill by replacing section 4 with the following:

4 Supplemental Appropriation; Data Processing and Computer Management Study Committee.

I. In addition to any other sums appropriated under 1989, 408:93, the sum of \$115,000 is hereby appropriated to the data processing and computer management study committee for the fiscal year ending June 30, 1990, for the purpose of engaging expert consultants to assist the committee in the performance of its duties under 1989, 408:89. The source of this appropriation shall be the moneys transferred under paragraph II. The governor is authorized to draw his warrant for said sum out of the appropriate funds.

II. In order to fund the supplemental appropriation made in paragraph I, the sum of \$115,000 of general fund moneys is hereby transferred from department of health and human services account number 010-095-5676-029, PAU 05, 01, 01, 04, 02, data management, to department of administrative services account number 010-014-1302-091, PAU 01, 04, 01, 02, 03, special disbursements. The department of health and human services shall reduce the appropriation line and source of funds accordingly to reflect the reduction of general funds and federal funds.

AMENDED ANALYSIS

This bill extends the termination date of the study committee from February 1, 1990, to June 30, 1991. The bill also makes a supplemental appropriation of \$115,000 to the study committee for fiscal year 1990, adds a new duty to the charge of the study committee, requires that public notice be given of the committee's meetings, and provides that the minutes of the committee's meetings shall be available for public inspection. The appropriation is funded by a transfer of moneys from the department of health and human services data management account to the department of administrative services special disbursements account.

Amendment adopted. Referred to Finance (Rule #24)

HB 1429, relative to excavation, quarrying, and mining.

Inexpedient To Legislate. Senator St. Jean for the committee.

SENATOR ST. JEAN: The Internal Affairs Committee met on HB 1429. Last session, we passed SB 67, which established a balance between the increasing cost and the declining availability of construction materials. This became effective on August 4, 1989. The cost of State roads are driven by the construction material necessary to build them. We had a long hearing the other day and I know a lot of local guys and some smaller operators were in attendance, as well as the Department of Transportation, who testified against this bill. The Department convinced us that the new bill would substantially increase the cost of highway construction to cities and towns. Excavators have had only two or three months under the present law, because as the snow flies their season does end. They convinced us that the passage of this new bill would really increase their cost of doing business. One of the examples that was given by a local excavator was that he would be required under the pending legislation to fill in his quarry. And the cost to filling in quarries is really quite expensive. Manchester filled in a ledge recently which was a quarry for hundreds of thousands of dollars. We just felt that this legislation was unneeded at this time.

Adopted.

Senator Charbonneau took Rule 42.

Recess.

Out of Recess.

Senator Nelson in the Chair.

COMMITTEE REPORTS

HB 266-FN, requiring employers to offer health benefits to part-time employees.

Inexpedient To Legislate. Senator Magee for the committee.

SENATOR MAGEE: HB 266 is basically a bill which both the private and public sector cannot afford in these economic times. It was the feeling of the entire committee to the best of my knowledge that this was the case. I respectfully ask that it be Inexpedient to Legislate. Thank you very much.

Adopted.

HB 1225-FN-A, to define "retired state employee" for state employee group insurance purposes.

Ought To Pass With Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: A little bit of history. In 1989, in a committee of conference that ran fifty pages plus, there was a section that said "no one who had not worked for the state for at least 10 years, and retired during this biennium would receive health insurance." However, if we don't pass this bill or a similar bill, we are back to square one in 1991, where anyone who works for the state retires after even 1 year is entitled to fully paid health and surgical insurance benefits. Last year, we also passed SB 89, which set up a study committee to look into this eligibility area. Senators Blaisdell, Hough, and Charbonneau were on the committee, as well as Ralph Brickett from the Governors Office. The bill before us today is a result of that committee's work. They have tightened up the eligibility requirements. Not only do you have to have worked for the State for 10 years but, you have to be age sixty. While I think that this is basically a reasonable bill, there are some dates and money involved here that I think Senate Finance needs to look at. If we could pass this bill today, and send it to Senate Finance, I think we would have another check and balance. We will make the decision there as to whether or not the State can afford it or not. I recommend ought to pass.

Amendment to HB 1225-FN-A

Amend RSA 21-I:30, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Is but for the provisions of 1989, 376:10, otherwise eligible to receive medical and surgical benefits under this section notwith-

standing subparagraphs (a) and (b), and paragraph IV, on June 30, 1989, and who retires between July 1, 1989, and June 30, 1994; or

Amendment adopted. Referred to Finance (Rule #24)

HB 1250-FN, relative to employees of the dog and horse racing industry.

Ought To Pass With Amendment. Senator Magee for the committee.

SENATOR MAGEE: The Insurance Committee held extensive hearings with regards to HB 1250-FN. The Senate Insurance Committee allowed members of the House Labor Committee and parties interested in the legislation to meet and discuss possible amendments. At our hearing on Tuesday, March 20, 1990, the House presented an amendment. Representatives of the tracks that would be effected by the bill appeared in support of the amendment, generally, with some minor revisions. The minor revisions deal with typographical errors that appeared in the amendment as presented, as well as clarification of section 11 of the bill. The tracks also requested that the effective date of this legislation will be July 31, 1990. The justification for this effective date was to insure that the legislation did not interfere with and impede any ongoing negotiations between employees and the employer at any of the race tracks. This amended version of HB 1250 accomplishes the purpose expressed by the House, namely provide a board with jurisdiction to hear employee-employer disputes involving representation and unfair labor practices. The committee recommends that HB 1250-FN ought to pass with amendment.

Amendment to HB 1250-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Dog and Horse Racing Employees. Amend RSA by inserting after chapter 273-B the following new chapter:

CHAPTER 273-C

DOG AND HORSE RACING EMPLOYEES

273-C:1 Statement of Purpose.

I. The National Labor Relations Board has declined to exercise jurisdiction over employers who are licensed to operate race tracks. The general court hereby declares that employees of such employers and those employers should have the right to appear before the public employee labor relations board established under RSA 273-A:2 for the purposes set forth under this chapter.

II. The general court hereby confers jurisdiction to the board over such employers and employees for the sole and express purposes set forth in this chapter and the board's powers shall be limited solely and exclusively to the provisions of this chapter.

273-C:2 Definitions. In this chapter:

I. "Board" means the public employee labor relations board established under RSA 273-A:2.

II. "Employee" means any person employed by an employer, as defined in RSA 273-C:2, IV, except persons in a probationary or temporary status, or employed irregularly or on call. For the purposes of this chapter, however, no employee shall be determined to be in a probationary status who shall have been employed for more than 12 months or who has an individual contract with his employer.

III. "Employee organization" means any organization certified as the exclusive representative of a bargaining unit by the board under this chapter.

IV. "Employer" means an employing unit which is engaged in dog or horse racing, or both, and is licensed to operate a race track under RSA 284 and which, in the current calendar year, has or had employees.

V. "Professional employee" means any employee engaged in work predominantly intellectual and varied in character, involving the consistent exercise of discretion and judgment, and requiring knowledge in a discipline customarily acquired in a formal program of advanced study.

VI. "Terms and conditions of employment" means wages, hours and other conditions of employment, other than managerial policy within the exclusive prerogative of the employer. The phrase "managerial policy within the exclusive prerogative of the employer" shall be construed to include, but shall not be limited to, the function, programs, operations, and methods of the employer and its business, including the use of the technology, the organizational structure of the employer, the scheduling of racing days, events, and racing seasons, the selection, direction and number of its personnel, including employees, and other matters of management imposed upon or delegated to the employer by statute or rule, including without limitation, RSA 284, as it may be amended and the rules of the pari-mutuel commission, in order to continue control of the race track and its business by the employer.

273-C:3 Jurisdiction. The board shall have jurisdiction, subject to the provisions of this chapter, over employers and employees as defined in RSA 273-C:2, who, but for an express declination by the federal National Labor Relations Board to exercise jurisdiction, would be regulated by that federal board.

273-C:4 Obligation to Bargain. It is the obligation of the employer and the employee organization certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith. "Good faith" negotiation involves meeting at reasonable times and places in an effort to reach agreement on the terms of employment, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

273-C:5 Grievance Procedures. Every agreement negotiated under the terms of this chapter shall be reduced to writing and shall contain workable grievance procedures.

273-C:6 Unfair Labor Practices Prohibited.

I. It shall be a prohibited practice for any employer:

(a) To restrain, coerce or otherwise interfere with its employees in the exercise of the rights conferred by this chapter.

(b) To dominate or to interfere in the formation of administration of any employee organization.

(c) To discriminate in the hiring or tenure, or the terms and conditions of employment of its employees for the purpose of encouraging or discouraging membership in any employee organization.

(d) To discharge or otherwise discriminate against any employee because he has filed a complaint, affidavit or petition, or given information or testimony under this chapter.

(e) To refuse to negotiate in good faith with the exclusive representative of a bargaining unit.

(f) To invoke a lockout during the term of the existing agreement.

(g) To fail to comply with this chapter or any rule adopted under this chapter:

(h) To breach a collective bargaining agreement.

II. It shall be a prohibited practice for the exclusive representative of any employee:

(a) To restrain, coerce or otherwise interfere with employees in the exercise of their rights under this chapter.

(b) To restrain, coerce or otherwise interfere with employers in their selection of agents to represent them in collective bargaining negotiations or the settlement of grievances.

(c) To cause or attempt to cause an employer to discriminate against an employee in violation of RSA 273-C:6, I(c), or to discriminate against any employee whose membership in an employee organization has been denied or terminated for reasons other than failure to pay membership dues.

(d) To refuse to negotiate in good faith with the employer.

(e) To engage in a strike or other form of job action during the term of the existing agreement.

(f) To breach a collective bargaining agreement.

(g) To fail to comply with this chapter or any rule adopted hereunder.

III. This section shall apply only to prohibited practices which occur or arise on or after the effective date of this section.

273-C:7 Violations.

I. The board shall have primary and exclusive jurisdiction of all violations of RSA 273-C:6.

II. Complaints shall be filed by affidavit. A copy of the complaint shall be given to the party complained against at the time the complaint is filed. The board shall hold a hearing within 45 days under rules adopted by the board pursuant to RSA 541-A and shall give 5 working days' notice of the hearing by certified mail to all persons required to appear and to the representative of a party against whom a complaint has been filed.

III. The board may issue a cease and desist order if it deems one necessary in the public interest, pending the hearing.

IV. The board shall have the power to compel the attendance of witnesses and the production of documents by the issuance of subpoenas, and to take testimony under oath, as provided in RSA 516, and may delegate such powers to any persons it may appoint.

V. Both parties shall have the right to be represented by counsel.

VI. The board shall render its decision within 45 days after the hearing, in accordance with rules adopted by the board pursuant to RSA 541-A. Upon finding that a party has violated RSA 273-C:6, the board may (a) issue a cease and desist order; (b) order reinstatement of an employee with back pay; (c) require periodic reporting of compliance; (d) order payment of the costs incurred by a party negotiating in good faith in negotiations found by the board to have been carried on not in good faith by the other party, if the board finds such penalty appropriate to the circumstances; or (e) order such other relief as the board may deem necessary, but in no event shall the board have the authority to void an existing collective bargaining agreement.

VII. The board shall summarily dismiss any complaint of an alleged violation of RSA 273-C:6 which occurred more than 180 days prior to the filing of the complaint with the board.

273-C:8 Injunctions. The board shall petition the superior court for the county in which the party sought to be enjoined is principally located for such order of the court as may be necessary to compel obedience to an order of the board and the superior court shall issue its order upon satisfying itself that:

I. The order of the board was within its jurisdiction to issue; and

II. There is substantial evidence on the record considered as a whole to support the finding of the board.

273-C:9 Determining Bargaining Unit.

I. The board or its designee shall determine the appropriate bargaining unit and shall certify the exclusive representative thereof when petitioned to do so under RSA 273-C:10. In making its determination the board should take into consideration the principle of community of interest. The community of interest may be exhibited by one or more of the following criteria, although it is not limited to such:

(a) Employees with the same conditions of employment.

(b) Employees with a history of workable and acceptable expansive negotiations.

(c) Employees in the same historic craft or profession.

(d) Employees functioning within the same organizational unit.

II. The board may certify a bargaining unit composed of professional and non-professional employees only if both the professional and non-professional employees, voting separately, vote to join the proposed bargaining unit. Persons exercising supervisory authority involving the significant exercise of discretion may not belong to the same bargaining unit as the employees they supervise.

III. In the event the bargaining unit is determined by the board's designee, the decision may be appealed to the board for final determination.

IV. The bargaining unit or units in effect for employees as of the effective date of this section shall be deemed to be the bargaining unit or bargaining units determined by the board. The exclusive representative of the bargaining unit or bargaining units in effect on the effective date of this section shall be deemed certified by the board.

273-C:10 Elections.

I. If a petition is filed by:

(a) At least 30 percent of the employees in the bargaining unit seeking recognition, alleging that they wish to be represented in collective bargaining by an employee organization as their exclusive representative or asserting that the employee organization which has been certified by the board is no longer the representative of the majority of employees in the bargaining unit; or

(b) An employer alleging that one or more employee organizations has petitioned to be recognized as the exclusive representative of a majority of employees in a bargaining unit; the board shall investigate such petition and may hold hearings for the purpose of determining whether or not grounds exist for conducting an election. Upon so finding, the board shall order an election to be held under its supervision and in accordance with rules adopted by the board under RSA 273-C:12. Otherwise, it shall dismiss the petition.

II. The petition shall consist of separate forms for each employee, whose names shall not be disclosed.

III. The ballot shall contain a space permitting a vote against representation by any employee organization whatever; and no election shall be held within 12 months after an election in which a majority of those voting cast ballots against representation by any employee organization.

IV. An employee organization receiving a simple majority of the votes cast shall be certified by the board as the exclusive representative of the bargaining unit. In the absence of a simple majority, a run-off election shall be conducted between the 2 options receiving the most votes.

V. The board shall not certify any employee organization as the exclusive representative of a bargaining unit without an election being held pursuant to this section, except as provided in RSA 273-C:9, IV.

VI.(a) Certification as exclusive representative shall remain valid until the employee organization is dissolved, voluntarily surrenders certification, loses a valid election or is decertified.

(b) The board shall decertify any employee organization which is found in a judicial proceeding to discriminate with regard to membership, or with regard to the conditions thereof, because of age, sex, race, color, creed, marital status or national origin; or has systematically failed to allow its membership equal participation in the affairs of the employee organization.

(c) Any challenge to a certified exclusive bargaining representative, whether in a decertification election or a challenge by another labor organization, shall result in decertification or change in bargaining representation if decertification or the challenging organization is approved by a majority vote of members of the bargaining unit voting.

VII. Two or more bargaining units may, with the approval of the affected employer, combine for the purpose of engaging in collective bargaining negotiations with a single employer and the bargaining unit thus created shall enjoy the same rights and be subject to the same duties as if a single exclusive representative for the combined bargaining unit had been certified by the board.

273-C:11 Representation Rights of the Bargaining Unit.

I. Employers shall extend the following rights to the exclusive representative of a bargaining unit certified under RSA 273-C:10 or as set forth in RSA 273-C:9, IV:

(a) The right to represent employees in collective bargaining negotiations and in the settlement of grievances. An individual employee may present an oral grievance to his employer without the intervention of the exclusive representative. Until the grievance is reduced to writing, the exclusive representative shall be excluded

from a hearing if the employee so requests; but any resolution of the grievance shall not be inconsistent with the terms of an existing agreement between the parties.

(b) The right to represent the bargaining unit exclusively and without challenge during the term of the collective bargaining agreement. Notwithstanding the foregoing, an election may be held not more than 180 nor less than 120 days prior to the date on which the term of the collective bargaining agreement expires.

II. A reasonable number of employees who act as representatives of the bargaining unit shall be given a reasonable opportunity to meet with the employer or his representatives during working hours without loss of compensation or benefits.

III. The exclusive representative of a bargaining unit acting as such on the effective date of this section shall be deemed certified by the board in accordance with RSA 273-C:9, IV and shall have all the rights established in RSA 273-C:11, I.

273-C:12 Rulemaking; Conduct of Studies. The board may adopt rules, under RSA 541-A, relative to carrying out the provisions of this chapter and may conduct such studies as may be necessary to carry out the provisions of this chapter.

273-C:13 Appeals. Any person aggrieved by a final order of the board granting or denying in whole or in part the relief sought may obtain review of such order in the manner prescribed in RSA 541.

273-C:14 Records and Reports.

I. A copy of all agreements reached as a result of collective bargaining under this chapter shall be filed with the board by the parties within 14 days after execution of such an agreement.

II. All documents and records of the board shall be public records and shall be kept for a minimum of 10 years.

2 Applicability.

I. Nothing in this act shall be construed to entitle dog or horse racing employees to benefits under the New Hampshire retirement system or to health benefits provided to public employees through the New Hampshire retirement system or the state.

II. Nothing in this act shall be construed to eliminate dog or horse racing employees from benefits under the New Hampshire workers' compensation system.

3 Effective Date. This act shall take effect July 31, 1990.

AMENDED ANALYSIS

This bill inserts a new chapter in the labor laws to govern private employers in the horse and dog racing industry not subject to the jurisdiction of the National Labor Relations Board. This bill provides these employees with some of the same protections and rights

currently afforded the state's public employees, such as the obligation to bargain, and the right to organize.

Amendment adopted. Referred to Finance (Rule #24)

HB 1348-FN, relative to access to health care for the uninsured and making an appropriation therefor:

Ought To Pass With Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: This bill is a continuation of a committee that has been working very well together dealing with the problem of the people of New Hampshire who have no health care insurance. Representative Frazier has been kind enough to obtain some free actuarial help from some companies here in Concord. They appear to be on the right track, not only looking at the preventive measures but also in other areas. The bill, as it came to Insurance, had an appropriation of only \$1. But, also had a pilot program in it which could of cost us some money. We deleted all reference to the pilot program. We felt that in reality, we had no money to finance a pilot program no matter how small. Even if we did have money enough just for the pilot program, we thought it would be unfair to those people who were in the pilot program, if there was not at least a potential to help them for funding on a continuous basis. So what our amendment does, it wipes out the pilot program but continues the study and allows the committee to collect data on actuarial studies, designer plans, etc. But, before they try to implement a pilot project, they will have to come back to the legislature for the financing. We recommend ought to pass with amendment.

Amendment to HB 1348-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to oversee the preliminary steps
in the creation of an access to health care program
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Purpose and Intent.

I. The legislature finds that a significant percentage of the population of this state does not have insurance or other coverage of the costs of necessary basic health care services available to it. This lack of basic health care coverage is detrimental to the health of the indi-

viduals lacking coverage and to the public welfare and results in substantial expenditures for emergency and remedial health care, often at the expense of health care providers, health care facilities, and purchasers of health care, including the state.

II. The purpose of this act is to continue the process started by the committee on access to health care established in 1989, 332:2 by arranging for and overseeing an actuarial study for a benefits package, designing the final benefits package, designing, but not implementing, a pilot program and evaluating and identifying funding needs and sources for an ongoing program.

2 Definitions. In this act:

I. "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination of such organizations, that provides directly or by contract basic health care services, as defined by an administrator and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population enrolled in the plan and in the managed health care system.

II. "New Hampshire basic health plan" or "plan" means a system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by a plan administrator through participating managed health care systems.

3 Committee Established.

I. There is established a committee to perform an actuarial study of, examine the potential for private industry participation in, and oversee the plan design of, but not the implementation of, a health care access program. The members of the committee shall be appointed in 2 stages.

II. The members appointed in the first stage shall include:

(a) One member of the house of representatives, appointed by the speaker of the house.

(b) One member of the senate, appointed by the president of the senate.

(c) One individual, appointed by the governor.

(d) The director of the office of health services planning and review, or designee.

(e) The commissioner of the insurance department, or designee.

(f) The director of the office of medical services of the division of human services, or designee.

(g) The director of the division of public health services, or designee.

(h) The president of the New Hampshire Business and Industry Association, or designee.

(i) The president of the New Hampshire Association of Commerce and Industry, or designee.

(j) The president of the New Hampshire Hospital Association, or designee.

(k) The president of the New Hampshire Medical Society, or designee.

III. Appointments to the committee authorized in paragraph II shall be made within 30 days of the effective date of this act. The member of the house of representatives appointed to the committee shall convene the first meeting of those appointed in paragraph II within 60 days of the effective date of this act. At the first meeting, the members of the committee appointed in paragraph II shall appoint 7 additional members, including:

(a) Two representatives from major health insurers in the state, at least one of whom shall be a representative of a major insurer or provider or insurer and provider of pre-paid, managed health care services.

(b) Two representatives from statewide advocacy organizations that represent the interests of low-income persons or that advocate on behalf of consumers in the area of health care.

(c) Two low-income residents of the state.

(d) One individual from a college, university, or medical school who is knowledgeable about health planning, management, or policy issues.

IV. After all appointments are made, the committee shall select one of its members to act as chairman.

4 Duties of Committee. A staff person from the department of health and human services shall be assigned to work with the committee. The staff person and the committee shall:

I. Design a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the basic health plan would receive in return for premium payments to the plan. The schedule of services shall emphasize preventative and primary health care. In designing the benefit package, the recommendations of the commission on access to health care report issued in January, 1990, shall be considered, but the committee shall not be required to implement such recommendations.

II. Contract for an actuarial study of the benefit structure, which shall be completed before October 1, 1990.

III. Based on the findings of the actuarial study, design the final benefits package and design a structure of periodic premiums to be

paid by enrollees that is based upon gross family income, giving appropriate consideration to family size as well as the ages of all family members.

IV. Design a structure of nominal copayments due a managed health care system from enrollees. The structure shall discourage inappropriate enrollee use of health care services, but shall not be so costly to enrollees as to constitute a hindrance to necessary use of health care services.

V. Design a plan to pilot test the benefit program. In examining areas of the state for the pilot program, the committee shall take into account the levels and rates of unemployment in different areas of the state, the need to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks such coverage, and the need for geographic, demographic, and economic diversity.

VI. Determine the rate to be paid to each participating managed health care system in return for providing covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems.

VII. Develop a program of preventive health measures.

VIII. Identify and seek funding alternatives to general fund revenues for continuous funding of the plan.

IX. Apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

5 Report. The committee shall report its findings and recommendations for the program to the governor, senate president and speaker of the house on or before January 1, 1991.

6 Appropriation. The sum of \$1 for the fiscal year ending June 30, 1991, is hereby appropriated to the department of health and human services for the purposes of this act. This appropriation is in addition to any other funds appropriated to the department of health and human services and shall not be offset by enrollee contributions or other outside sources of funds. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill creates a committee to oversee the preliminary steps in the creation of an access to health care program. The committee shall be primarily responsible for designing the benefits structure, conducting an actuarial study, and developing a pilot program.

Amendment adopted. Referred to Finance (Rule #24)

HB 1299-FN, relative to enhanced sentences for "hate crimes".

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1299 permits courts to impose an extended prison term for a crime motivated by the victim's religion, the race, the creed, sexual orientation, national origin, or sex. It is not mandatory. It is discretionary and the length of the extended term is life in prison for murder; a minimum of not more than ten years and a maximum of not more than thirty years for any felony other than murder; a minimum of two years and a maximum of not more than five years for a misdemeanor. The committee was told that there is evidence of hostility in New Hampshire - a painting of swastikas on the roof of Temple Beth Jacob in May. Shortly afterwards, public property was also defaced with swastikas and anti-Semitic slurs. This summer a recruiter for the Ku Klux Klan surfaced in Exeter. KKK activity also has been reported in Berlin. These kind of problems are done in packs and 90% of these crimes are done on women. It does a lot of harm, because it's contagious and it spreads fear. By passing HB 1299, it sends a message that that sort of conduct will not be tolerated in New Hampshire. The committee urges its passage.

SENATOR BASS: I rise in support of the committee motion of ought to pass. As we all know, there have been a lot of bills before our committees and it's difficult to concentrate on every bill, and this is the situation which I found myself in the other day. We had a heavy schedule, but as I began to listen to the testimony, I was really gripped by feeling a combination of shock and embarrassment. Because the fact is, hate crimes are on the rise in New Hampshire. There apparently isn't much of any difference between New Hampshire and other states where we hear about vandalism on synagogues, and beating up of minority people, and homosexuals, or Blacks, or Jews. One might ask why do we need to enhance the penalties for hate crimes versus other crimes that may be committed? As Senator Podles appropriately mentioned during her report, this sort of a crime, a hate crime, is much more harmful than a normal crime because its so visible in a community and it spreads. It

has the ability to spread throughout a community where a simple assault or a simple type of vandalism might not. Also, because of that fact that it has the potential to spread fear in a community, it is more harmful and contagious as Senator Podles said, especially upon younger people in our schools where there is a lot of peer pressure. The result is individuals get drawn into this perverted activity because it becomes sort of the thing to do. The other problem with hate crimes is that they're not usually the high visibility crimes, and simple assault is not normally reported or pursued. Lastly, a hate crime invites some sort of retribution or counter crime which may be inflicted upon the party. As a result, there is a very clear need in this State to attack this problem head on and I hope to be able to enlist the support of my colleagues, if I'm lucky enough to return to the Senate next session, to investigate other ways in which we can put a stop to a very serious problem in our society.

Adopted. Ordered to Third Reading.

HB 1386-FN, relative to child support enforcement.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: I rise in support of the committee motion of ought to pass with amendment. This bill basically does two things, it makes changes that will bring New Hampshire's child support enforcement laws into conformity with new federal standards that will be coming into effect later on this year, which requires that social security numbers be submitted in certain instances. The second thing the bill does is to allow for a simplified procedure of establishing paternity in that an affidavit of paternity, if filed with the clerk of court, will have the legal effect of establishing paternity without requiring further action to this particular chapter. I urge the Senate's support of the committee report ought to pass with amendment.

Amendment to HB 1386-FN

Amend RSA 126:6, IX(e) and (f) as inserted by section 1 of the bill by replacing them with the following:

(e) The social security numbers obtained pursuant to this paragraph shall be confidential and shall be disclosed only to the office of child support enforcement services, division of human services, solely for the purpose of enforcing a child support order in effect in this state.

(f) Refusal of a parent to provide a social security number pursuant to subparagraph (a) or (b) shall not be grounds for refusal to issue a birth certificate. The preceding sentence shall appear in

writing on the forms used by the bureau of vital records and health statistics to collect information for birth certificates.

Amend the bill by replacing section 10 with the following:

10 Standardized Paternity Form Required. Before November 1, 1990, the bureau of vital records and health statistics shall develop a standardized affidavit of paternity form to be filed with the birth certificate of the child in question under RSA 126:6-a, II. Such standardized form shall include language clearly stating that execution of the affidavit of paternity by the father is voluntary and that, by signing the affidavit, the father is accepting financial and legal responsibility for the child and shall, therefore, be subject to the enforcement provisions of RSA 168-A:2.

11 Effective Date.

I. Section 10 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect November 1, 1990.

Amendment adopted. Referred to Finance (Rule #24)

HB 1426-FN, relative to Surrogacy.

Inexpedient To Legislate. Senator Roberge for the committee.

SENATOR ROBERGE: HB 1426-FN was a result of a study committee. I was on that study committee. We studied this particular situation for eighteen months. We met no less than once a month. We had two doctors, one an expert in reproductive technology at the Mary Hitchcock, the other one an ethics psychiatrist from Mary Hitchcock, a psychologist, three lawyers, one of which was with the Attorney General's office, and we feel that we came out with a good piece of legislation. This bill does not promote surrogacy. It should be used in only very special circumstances by very special people. The guidelines say surrogacy is a serious and binding agreement. And above all, this legislation is drafted to protect the child. We know of at least forty or fifty such arrangements currently have gone on in the State of New Hampshire. Presently, these contracts are made up on an individual basis by various attorneys. We feel that the resulting child has to be protected and be assured of support. Our second concern was the birth mother; that she have her rights protected. Before the contract can be drawn up, the mother shall be twenty-one years or older, shall be medically evaluated and the results documented in accordance with rules to be adopted by the Division of Public Health. She must demonstrate the medical acceptability, she must receive counseling, and provide written certification of that counseling, and the evaluation to go to the health care provider performing the procedure. If she has a husband, he also has to receive appropriate counseling. The intended father also has to

have a medical evaluation, present written certification of non-medical counseling and evaluation to the health care provider and indicate written acceptance of legal rights and responsibilities of parenthood for any resulting child. These are also intended for the father. The person conducting non-medical evaluation shall determine the party's suitability to be a parent by considering the ability and disposition of the person being evaluated to give the child love and affection and guidance. The ability of the person to adjust to and assume the inherent risks, a home study of each party, both the adopting party and the surrogate, will be done and shall be conducted by a licensed child placing agency or the Division of Children and Youth Services to assess the ability and disposition of the persons, to provide the child with food, clothing, shelter, medical care, and other basic necessities. The petition shall contain the date, place of intended parents' marriage, a copy of the duly executed surrogacy contract, all written requests, all evaluations, reports required in this chapter, and the names and addresses of the health care provider who will perform the procedure. An order validating the surrogacy contract shall be issued only after a hearing. All parties to the surrogacy contract have given their written and informed consent. Mandatory terms of the surrogacy contract shall be signed by the intended parents, the surrogate, and if she is married by the surrogate's husband. If the breach is a refusal to accept the child, the surrogate may file notice and the intended parents shall be liable for the support of that child. Ladies and gentlemen we have worked very long and hard on this piece of legislation. We had experts in the field that were part of the committee. The committee voted the bill Inexpedient to Legislate. I was not one of them. I have given the committee report even though I do not agree with the vote.

Senator McLane moved to substitute Ought to Pass for Inexpedient to Legislate.

SENATOR MCLANE: Senator Roberge has given a fine synopsis of the contents of this bill. This bill I put in four years ago for the medical society and it has gone through a long and torturous study process. The original bill was that that was adopted in the State of New York. It has undergone refinement. I wish to read to you from the statement of purpose which says "The General Court recognizes that surrogate motherhood is practiced in New Hampshire." We have heard that there are between forty or fifty cases and that the public policy and legal issues surrounding surrogate motherhood are complex and unsettling. "While surrogacy represents unique, ethical, legal and emotional dilemmas, the General Court finds that ignoring or banning surrogacy will inevitably lead to unregulated

arrangements." I think that it is important to keep that purpose in mind. None of us are advocating surrogacy of all the difficult and private decisions, but it has meant much joy to many people in New Hampshire. For that reason, I would ask that you pass this bill, this necessary needed bill.

SENATOR MAGEE: Senator McLane, I'm not quite sure what that last motion was on the floor, do you have a substitute motion of inexpedient?

SENATOR MCLANE: I have a substitute motion of ought to pass. I think the confusion came because Senator Roberge was in a difficult position of trying to give the committee report, but also not agreeing with the committee report.

SENATOR MAGEE: Senator McLane, if I believe that your motion is the right thing to do and this bill had a lot of work over the last four or five years, would I now vote yes?

SENATOR MCLANE: You would be doing the most sort of brilliant and intelligent thing that you usually do.

SENATOR MAGEE: Thank you very much, Senator McLane.

SENATOR JOHNSON: Senator McLane, does this legislation provide additional opportunities for bringing wanted and loved children into our society?

SENATOR MCLANE: Absolutely. I spoke at length with a constituent of mine who has two surrogate children, and just listening to the tone of that man's voice really convinced me that it was happening and we did need the law.

SENATOR KRASKER: I rise to support Senator McLane's motion of ought to pass. I, with Senator Roberge, was a member of the joint committee that studied this issue for eighteen months and drafted the bill very painstakingly almost line by line. On some issues, I suppose, Senator Roberge and I when we join together might be the odd couple. On this one we're certainly in agreement. That is not to say that if we had our druthers we might not change some provisions of this bill. That's true when we draft legislation, but the reason I ask for your support today is so seldom do we have eighteen months to draft a bill and do it in a very deliberate kind of way. That's how this bill was drafted, and I'm convinced that we will probably not put together a bill that pleases everybody, but, we probably won't put together a better bill. This is a bill designed to protect the child, that was the intention. It does this, and I hope that you will support it.

SENATOR PODLES: As the chairman of the judiciary committee, I rise to tell you about the bill. First of all it provides the structure for surrogacy. It had a four hour hearing. We had fifteen people who testified. We had five people who served on this committee testify in favor out of seven people. On the opposite side, people who opposed the bill we had six people, we had several attorneys and as late as this afternoon, I received a letter from the Strafford County court house. I'll tell you if this bill is passed, it will be a nightmare. I really commend the committee for working so long on this bill. But there are so many unanswered questions, and what you're going to do is, you're going to make this a policy of the State. So you've got to be careful that everything is in its place. The attorney that wrote to me this afternoon and other attorneys that have testified say that throughout the statute reference is made to the court by the court order; however, which court is it going to be? Is it going to be the Superior Court, is it going to be the Probate Court, and also will they be entitled to a jury? It doesn't say that. Another very important issue, the rules of parentage are very convoluted and they are very complex. It invites confusion, litigation. The State could be liable for a lot of things. I think that the bill needs a lot of cleaning up, and it should not be passed, but, I'm going to leave it to the Senators.

SENATOR MCLANE: Senator Podles, the impetus for this bill goes back to the Baby M case, which was in New Jersey, which unlike New York did not have a statute such as this. The cost and the trauma of that trial was what inspired people to want to have a law in the books. Your testimony is that the bill itself is going to cause confusion with parenthood and with custody. My question to you is, wouldn't the courts and the people be better off with a bill which would alleviate much of that confusion, rather than leaving matters the way they are with unregulated surrogacy?

SENATOR PODLES: Senator McLane, I have to agree with you that we should have some kind of a bill, but not HB 1426 the way that it is written. There are many unanswered questions. There are a lot of loopholes and you don't want to pass a bill like this. The statute is not clear.

SENATOR STEPHEN: Senator Podles, you mention the attorneys that were at the hearing. Did they mention any amendments to this or did they just say this was bad?

SENATOR PODLES: Senator Stephen, they did recommend a lot of changes and we do have them down. We have everything on tape and so that anyone who wants to improve on this legislation, they are

certainly welcome. I agree that we should have something on the books. But, let's do it the right way, not haphazardly.

SENATOR MCLANE: Senator Podles, I'm wondering about the opposition expressed in the hearing by Bradford Cook, and David Vincent Lamar; and I'm wondering if they came up with specific recommendations for amending the bill or whether their opposition was to the entire bill?

SENATOR PODLES: Senator McLane, they did make recommendations, we have it all on tape. With a lot of confusing testimony, it is very difficult for a chairman to take notes, but, it is all on tape, and you are certainly welcome to have the tape at any time.

SENATOR HOUGH: With the motion of ought to pass, we have just heard from a number of our colleagues on this parenting bill, we heard from the mothers. As a father, I would tell you that this very sensitive issue which sets standards in this State should be enacted into law. The people that have been dealing with public policies such as the committee of Senator Krasker know the area in which we should move forward in this subject. We should pass this and get on with it. There are people that have worked for the last two years, they have looked at every aspect of this legislation, and quite frankly I've been made aware of the fact that there have been institutions that have in the eleventh hour tried to throw road blocks on this issue as they have on other issues. Let's pass this and move on to other things that we have to do. Thank you.

Division vote requested.

17 Yeas

3 Nays

Adopted. Ordered to Third Reading.

HB 1013, reviving the charter of the New Hampshire Karting Association.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill revives two charters, New Hampshire Karting Association and LocTite Luminescent Systems, and it allows the New Hampshire Historical Society which was chartered in 1823 to amend its charter without going to the legislature for approval. The committee urges the Senate to support the motion Ought to Pass with Amendment.

Amendment to HB 1013

Amend the title of the bill by replacing it with the following:

AN ACT

reviving the charters of the New Hampshire Karting Association and Loctite Luminescent Systems, Inc. and relating to powers of the New Hampshire Historical Society.

Amend the bill by replacing all after section 1 with the following:

2 Reinstatement of Charter of Loctite Luminescent Systems, Inc. The charter of Loctite Luminescent Systems, Inc. of Lebanon, New Hampshire, was forfeited on November 1, 1989, under RSA 293-A:95, I(a). Upon payment of any fees in arrears plus a reinstatement fee of \$50 and the filing of any annual returns required by law, Loctite Luminescent Systems, Inc. shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to November 1, 1989.

3 Authority to Amend Charter; New Hampshire Historical Society. The New Hampshire Historical Society, a nonprofit charitable corporation chartered by special act of the legislature, 1823:3, effective June 13, 1823, is hereby empowered to amend its charter as if it were its articles of agreement, to the same extent and scope as voluntary corporations may do under the provisions of RSA 292:7, except that any amendment shall be approved by majority vote of its members present and voting at a regular or special meeting duly called for that purpose, as set forth in the notice of the meeting, a quorum being present as provided in its bylaws. A certified copy of such amendment shall be recorded in the office of the secretary of state upon payment of the fee prescribed in RSA 292:5 and a copy shall be recorded in the office of the clerk of the town or city which is its principal place of business. Amendments shall take effect upon recording.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill revives the charters of the New Hampshire Karting Association, which was revoked on January 2, 1986 and Loctite Luminescent Systems, Inc., which was revoked on November 1, 1989.

The bill also allows the New Hampshire Historical Society to amend its charter as if it were its articles of agreement.

Amendment adopted. Ordered to Third Reading.

HB 1054, relative to memorials for veterans.

Ought To Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: There is an amendment to HB 1054 which appears on page 8 of your calendar. The amendment simply corrects an oversight in previous legislation wherein we omitted increasing the potential amount for which a surviving spouse would be eligible. That has been corrected in the amendment on page 8. The bill itself is well explained in the analysis there. It authorizes the placement on the summit of Mount Washington, a bronze plaque commemorating New Hampshire Veterans who lost their lives in wars. Secondly, it authorizes the addition of names of certain veterans to the list of names on the Hampton Marine Memorial. It also calls upon the director of Parks and Recreation to develop a plan for a permanent Memorial listing at Fort Constitution at New Castle of all New Hampshire Veterans who have died in conflicts since the Revolutionary War. I think this is an opportunity now for the legislature to recognize, by the installation of certain memorials, the addition of certain names on other memorials here and really pay attention to the needs and recognition that the veterans of New Hampshire deserve. There was no opposition to this bill, it was supported across the board. The committee recommends approval.

Amendment to HB 1054

Amend the title of the bill by replacing it with the following:

AN ACT

relative to memorials for veterans and relative to the real estate exemption for surviving spouses of veterans.

Amend the bill by replacing section 3 with the following:

3 Exemptions for Surviving Spouse. Amend RSA 72:29-a to read as follows:

72:29-a [Widows] **Surviving Spouse.**

I. The [widow] **surviving spouse** of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or armed conflicts, or combat zones set forth in RSA 72:28, so long as [she remains his widow] **the person does not remarry**, shall be exempt each year from taxation upon **his or** her real and personal property, whether residential or not, in the amount of [seven hundred dollars] **\$700** in taxes.

II. Upon the adoption of this paragraph by a city or town as provided in RSA 72:29-b, the surviving spouse of any person who was killed or died while on active duty in the armed forces of the United States or any of the armed forces of any of the governments associated with the United States in the wars, conflicts or

armed conflicts, or combat zones set forth in RSA 72:28, so long as the person does not remarry, shall be exempt each year from taxation upon his or her real and personal property, whether residential or not, in the amount of \$1400 in taxes.

4 New Section; Procedure for Adoption. Amend RSA 72 by inserting after section 29-a the following new section.

72:29-b Procedure for Adoption.

I. Any town or city may adopt the provisions of RSA 72:29-a, II to increase the surviving spouse exemption in the following manner:

(a) In a town, the question shall be placed on the warrant of a special or annual town meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the legislative body may consider and act upon the question in accordance with their normal procedures for passage of resolutions, ordinances, and other legislation. The legislative body of a city may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published in a newspaper of general circulation at least 7 days before the hearing.

(c) The wording of the question shall be: "Shall we adopt the provisions of RSA 72:29-a, II to increase the surviving spouse exemption for surviving spouses of veterans who died while on active duty in certain conflicts from \$700 to \$1,400.

II. If a majority of those voting on the question vote "Yes", RSA 72:29-a, II shall apply within the city or town on April 1 next following such vote for the tax year beginning on that date.

III. If the question is not approved, the question may later be voted upon according to the provisions of RSA 72:29-b, I.

IV.(a) Any town or city which has adopted RSA 72:29-a, II may consider rescinding its action in the manner described in RSA 72:29-b, I(a) and (b). The wording of the question shall be the same as set out in RSA 72:29-b, I(c), except the word "adopt" shall be changed to "rescind."

(b) If a majority of those voting on the question vote "Yes", then as of April 1 next following the action taken to rescind, RSA 72:29-a, II shall not apply within the town or city.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

HB 1367-A, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham County Superior Court Building.

Ought To Pass With Amendment. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: Don't panic when you see the amendment. This will be clarified and worked out in Capital Budget. Rockingham County Court House, as it currently is configured, was deemed inadequate to meet the needs of the court system when first studied in 1981. It was again re-evaluated by JSA, an architectural firm, in 1988, and the same conclusion was reached. The 54,000 square feet available is undersized by 36,000. In order for the court to meet its current case load, what we are recommending here today is a facility sized to meet today's needs, with an ability for expansion in the future, to meet the needs as projected in the year 2010. The Division of Plant and Property Management of the State and the County have reached an agreement on a site at the County Complex in Brentwood, and therefore, the committee recommends the project go forward to meet the judicial needs of the county. In addition, it is the committee's opinion that the significant savings may occur in construction cost due to the softness of today's construction market. In order that the project can go forward at once, it is also necessary to provide full funding for the design and construction documents which is \$475,000, and to remove the legislative mandate under chapters 3,6,7,19, which requires use of the design blueprint of the Nashua Superior Court Facility, which we are not convinced is the best functional or cost effective manner in which to proceed. I was shocked just as much as you were, because I did not expect to see the figure of \$10,500,000, but that's supposed to be corrected. It's only supposed to be a study committee.

Amendment to HB 1367-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to construction of a new Rockingham county courthouse
and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Administrative Services. The following is appropriated to the department of administrative services for the biennium ending June 30, 1991, for the construction of a new

courthouse in Rockingham county on county-owned land at the Rockingham county complex in Brentwood:

I. Rockingham county courthouse-preliminary design, final design and construction documents	\$ 475,000
II. Rockingham county courthouse-road and site improvements, construction	<u>10,500,000</u>
Total	\$10,975,000

2 Bonding Authorization. To provide funds for the project in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$10,975,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided that such bonds shall be 5-year bonds.

3 Payments. The payment of principal and interest on bonds and notes issued for the project in section 1 shall be made from the general fund.

4 Repeal. 1989, 367:19, relative to an appropriation to the supreme court for preparation of design and construction documents for a new Rockingham county courthouse, is repealed.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates funds for construction of a new Rockingham county courthouse on county-owned land in Brentwood.

Amendment adopted. Referred to Finance (Rule #24)

VACATE

Senator Torr moved to vacate **HB 1367-A**, relative to construction of a new Rockingham county courthouse and making an appropriation therefor from Senate Finance to Capital Budget.

Adopted.

Recess.

Out of Recess.

Senator Heath in the Chair.

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1096 establishes a committee to study the feasibility of developing a state-wide trauma care system. Trauma-care is a continuum of care from onset of injury through recovery and discharge. Presently, the State is divided into two regions which

have different criteria for handling trauma situations. The committee's objective would be to assess what needs to be done relative to existing capabilities and current law, and to propose steps needed to close the current gaps. The amendment adds the words "or designee" to the appointment of the Senate members. The committee recommends ought to pass with amendment.

RULE 44

SENATOR JOHNSON: I just want to point out that there are several bills coming up establishing study committees and requiring two and sometimes three Senators to be on those. I have no quarrel with any individual bill that establishes a study committee, but when one looks at the cumulative effect of the study committees that are being passed here, and the burden that it is going to place on the Senate, I think that we should be aware of that as we go through these bills establishing study committees, particularly those that require a report by December 1, 1990.

Amendment to HB 1096-FN

Amend paragraph V of section 1 of the bill by replacing it with the following:

V. Two members of the senate, appointed by the president of the senate, or designees.

Amendment adopted. Ordered to Third Reading.

HB 1169-FN, establishing a committee to study drug and alcohol testing in the workplace.

Ought to Pass with Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 1169 establishes a committee to study the issue of drug and alcohol testing in the workplace and requires a report, including recommendations for legislation, to the Speaker of the House, the Senate President, and the Governor on or before January 1, 1991. The amendment which you have deletes certain words in the charge of study. It deletes the words "establishing procedures for" and now reads "the primary duty of the committee shall be to study all issues relevant to drug and alcohol testing in the workplace". The reason for the change is that we did not want to slant the charge of the committee and tell them that they had to come up with procedures. What they are going to do is study the entire issue and come up with recommendations.

Amendment to HB 1169-FN

Amend the bill by replacing section 2 with the following:

2 Study Required. The primary duty of the committee shall be to study all issues relevant to drug and alcohol testing in the workplace.

Amendment adopted. Ordered to Third Reading.

HB 1261-FN, relative to data collection from ambulatory care facilities.

Ought To Pass. Senator McLane for the committee.

SENATOR MCLANE: This bill is an important bill to get a hold on medical cost. Medical cost have gone up 314 percent in the last ten years. The data collection process that we have now does not include medical offices in any sort of ambulatory care and this merely extends the data collection which is available from hospitals to ambulatory care and doctor's offices. It was supported by everyone in the medical society and the medical profession.

Adopted. Ordered to Third Reading.

HB 1304-FN, establishing a committee to study mobile health care units.

Ought To Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 1304 establishes a committee to study the feasibility of developing a mobile unit system to provide health care to persons in rural areas. We were given information that access to health care in rural areas is really disappearing. Hospitals are closing, transportation is a real problem. The committee believes that mobile units are an innovative approach that should be studied. We have attached an amendment to the bill. It has been Senate policy over two sessions that the Senate would maintain existing health programs to the best of its ability to do that. In the last budget revision, we eliminated three programs which have been in effect in New Hampshire for long periods of time, either completely eliminated or drastically reduced. They are the immunization program, the catastrophic illness program, and the dental health program. So what we have done in this bill, is to add the sums of \$1, \$1, and \$1 for each of these three programs which will serve as the vehicle for Finance to take this bill to look at what monies are available and see what they can put back into those three programs. The Public Institutions committee feels very strongly that if there is money for spe-

cials available that that money should first go to reinstating long-time programs before we establish new ones.

SENATOR JOHNSON: Senator Krasker, let's assume that the study committee determines that it is feasible to develop a mobile unit system to provide the health care called for here. My question is who would provide that health care?

SENATOR KRASKER: I think this is an unknown right now, which is why the sponsor was so eager to see it. There are pilot programs that have been developed in other parts of the country and what the committee will do is see if this is feasible for New Hampshire. It will be the committee, after extensive study, that will come up with the recommendations for implementation. I can't tell you now, the sponsor told us they really don't know. They just think it might be one way to provide the health care in rural areas that is now disappearing.

SENATOR JOHNSON: To get back to my basic question, it probably could be stipulated, couldn't it, that there is a need for this right now. So my question is, is it envisioned that its going to be the State of New Hampshire to provide this, or private medical facilities?

SENATOR KRASKER: I think it's too soon. I think they will gather the data to come up with those conclusions.

Amendment to HB 1304-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study mobile health care units
and making certain appropriations.

Amend the bill by replacing section 7 with the following:

7 Appropriations. The sums of \$1, \$1, and \$1 are hereby appropriated to the division of public health services, department of health and human services for the purposes of the immunization program, catastrophic illness program and the dental health program, respectively, for the fiscal year ending June 30, 1991. These appropriations are in addition to any other funds appropriated to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of developing a mobile unit system to provide health care to persons in rural areas. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house and the senate president, no later than October 15, 1991.

The bill also makes appropriations to certain programs in the division of public health services, department of health and human services.

Amendment adopted. Referred to Finance (Rule #24)

HB 1353-FN, relative to the oversight committee on health and human services.

Ought To Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 1353 makes changes in the oversight committee on Health and Human Services. Previously the committee, of which I'm a member, was charged with meeting at least four times a year to review Health and Human Services issues. As we met we realized that this was excessive in light of the fact that the standing policy committees can now meet and are able to do this. So HB 1353 changes the charge of the committee to meet at the close of each session to review and recommend changes to state statutes and rules, and to address concerns of the House and Senate. It will no longer have to meet at least four times a year. We did offer an amendment in which at least one Senate member would be from the Senate Public Institutions Committee. I would urge adoption of this report with the committee amendment and then tell you that Senator Preston has a floor amendment with which I agree. Representative Malcolm came to the committee to offer this amendment and we had already voted on the bill and recessed and my advice to him was to have Senator Preston offer the amendment and he will do that after the committee report.

SENATOR JOHNSON: Senator Krasker, you were talking about the oversight of the Department of Health and Human Services. My question is what really is the rationale for including five members of that department to, in effect, participate in the overseeing of themselves?

SENATOR KRASKER: They are there to offer information, to provide information as needed.

SENATOR JOHNSON: If that is the case then, why would they be formal members of the Oversight Committee. Why wouldn't it be more appropriate to simply call them in on an as needed basis?

SENATOR KRASKER: Well I don't know that I can give you more of an answer than that's the way the bill was drawn up. We do call on them all the time and it is a committee that is to provide information only. It takes no other formal action. Representative Stachowske, who drew up the bill, felt that having them a part of this one meeting that is going to take place would include within it the people who could give the information that was required.

SENATOR JOHNSON: Senator Krasker, given the kinds of public criticisms that have occurred in the last three to six months in regard to this department, wouldn't it really be more appropriate to include representation for some of those groups that receive services from the Department?

SENATOR KRASKER: In the past, when the Oversight Committee has met, we have put notice in the calendar and many members of the public have attended the meetings. There was no opposition to the bill, Senator Johnson, so we passed it as it came to us because there was no opposition. Your point may be well taken.

SENATOR JOHNSON: Would you believe there will be at least one vote against it today?

Amendment to HB 1353-FN

Amend RSA 128-A:8, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) 3 members of the senate, **at least one of whom shall be a member of the senate public institutions/health and human services committee**, appointed by the president of the senate;

Amendment adopted. /

Senator Preston offered a floor amendment.

SENATOR PRESTON: This bill refers to exemptions for certain soup kitchens. Some women in the churches down in the seacoast area have gotten together to provide meals twice a week in different areas of the beach for some families that were in need. The facilities were provided for nothing. The apartments and the women would bring the food in from the churches and serve it. The Department of Health from the State said you can't do this, it's a violation of certain regulations. This merely exempts such church kitchens in a community where the soup kitchen is located. Here were some well mean-

ing people, acting on behalf of the church, trying to help some people out and the State laws were punitive. So this allows churches to do that.

Floor Amendment to HB 1353-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the oversight committee on health and human services
and relative to licensors of certain food
service establishments.

Amend the bill by replacing section 5 with the following:

5 Soup Kitchen Exemption Added. Amend RSA 143-A by inserting after section 5 the following new section:

143-A:5-a Soup Kitchens. The director may exempt from licensors under this chapter church-sponsored soup kitchens operated for the poor by a church which is in the community where the soup kitchen is located.

6 Rulemaking Added. Amend RSA 143-A:9 by inserting after paragraph IV the following new paragraph:

IV-a. What constitutes a soup kitchen and procedures for exempting certain soup kitchens from licensors in accordance with RSA 143-A:5-a.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill makes the following changes to the oversight committee on health and human services established in RSA 126-A:8:

- (1) Reduces the number of senate members from 5 to 3.
- (2) Adds 5 members, one from each division of the department of health and human services, to be appointed by the commissioner.
- (3) Requires the committee to begin its meetings immediately upon the close of each legislative session. Current law requires the committee to meet at least quarterly and at the call of either the chairman or 3 members.
- (4) Eliminates certain duties and requires the committee to review and recommend any changes to state statutes and rules of the department of health and human services.
- (5) Changes the name of the committee to the oversight committee on health and human services.

This bill also authorizes the director of the division of public health services to exempt certain soup kitchens from the food service licensors law. The bill grants the director rulemaking authority to carry out this purpose.

Amendment adopted. Ordered to Third Reading.

HB 1383-FN, relative to drug and alcohol education, prevention, and student assistance counseling, and referral programs.

Inexpedient to Legislate. Senator Krasker for the committee.

SENATOR KRASKER: HB 1383 would establish a special fund for drug and alcohol education prevention and student assistance counseling, and referral programs, which would be financed from penalty assessment on drug offenses. It seems strange for my committee to vote Inexpedient on a bill like this that has such a good purpose. We certainly are supportive of better educational programs and we would hope that OTAT would work with the Department of Education to come up with better educational programs for the State, because they are critically needed. The reason we voted Inexpedient on this bill was not the purpose, but, the mechanism that was used. It would impose a \$500 fee, a penalty on a first offense. This money would then go into the fund that would be used for this purpose. We felt that the mechanism really would hold up a false expectation that money would be available when it really wouldn't be, and it was our feeling that adding this \$500 penalty assessment onto a first offense which is, I've been told, normally \$100, was not a good way to go about it. Different mechanisms have been used over the years. The simplest one and the one I would like to see is the State of New Hampshire to just provide the money for these programs. I hope the day will come when we do this.

SENATOR NELSON: When these people came to testify before you, the OTAT group, did they mention any programs in the state prisons or the YDC educational programs that would be included in something like this. I'm just curious if that was involved at all.

SENATOR KRASKER: It was a very abbreviated hearing. The sponsor came. There may have been another person. As I say it was a very abbreviated hearing and while we were all disposed to say "Yes, this is great. Let's pass the bill and send it to Finance," we were just too uncomfortable with the mechanism.

Adopted.

HB 1397-FN, relative to hiring a toxicologist to perform drug testing and making an appropriation therefor.

Inexpedient To Legislate. Senator Krasker for the committee.

SENATOR KRASKER: The committee voted Inexpedient on this bill because the sponsor came and asked us to do it. He said it can happen without any appropriation. So I urge Inexpedient.

SENATOR PODLES: Senator Krasker, there is an appropriation of \$42,501 from the federal funds. Could you tell me, in addition to this, how much would it cost to have a toxicologist on board for the State of New Hampshire?

SENATOR KRASKER: I'm assuming because we held no hearing on this bill. The sponsor asked that it be withdrawn, so we took the vote, the sum would be \$42,501 would be for the toxicologist. The sponsor came and said he had spoken to the Department head, it could be done within the department now and he asked us to have it withdrawn.

SENATOR PODLES: Senator Krasker, would you believe that just last week we passed a bill allowing them to go out of state to have this kind of testing, and it would cost hundreds of dollars each time. So I can't understand the rationale of this.

SENATOR KRASKER: If any other member of the committee would like to confirm, Representative Pepino came and asked that the bill be withdrawn. Our feeling was that we couldn't just withdraw a bill, we had to say Inexpedient. This is going to happen without the bill.

Adopted.

HB 430, relative to certification for real estate appraisers.

Ought to Pass with Amendment. Senator Bartlett for the committee.

SENATOR BARTLETT: I apologize that you did not have the amendment before you. My position is the same as it was a few hours ago, just a little bit more confused. But my request is that you pass the bill as amended. You send it to Senate Finance, allow all parties to look at this matter, resolve the issues and send it back to this floor for final vote.

SENATOR ST. JEAN: I agreed with the pending legislation as it was in its original form. I disagree with the Senate President and his need for an amended version. Although I respect his opinion in this matter, I think he is wrong. Appraisers are an interesting group of people. This was an agreed to bill as of two weeks ago by everyone

concerned. And as things began to shake out, as they sometimes do at the last minute, there seemed to be divergent views here. I'll tell you basically what I think is going on here. There is a group of individuals who want to increase the hours of schooling in appraisers and there is another group that doesn't want to do that. Appraisals have been at the root of what has gone on in this economy, because there has been a bunch of people out there with a subtle nod and a wink who have done appraisals that were wrong, blatantly wrong, while lending institutions were making loans based on appraised values, when the appraiser knew darn well that the appraised values weren't there, this thing was going on. When the economy took a nose dive, some eight months into it, the appraisers were still churning out, some of them, not the good ones, some of them were turning out appraisals that didn't react to what was actually going on. There is enough blame in this economy to lay on everybody's doorstep. There has been a heck of a lot of appraisers out there who haven't been doing their jobs. One of the reasons why we are in this economic down turn right now is from the appraisers that have been going out there and have been working hand and foot with lending institutions that ought not to have been going on. I will concur with the Senate President and allow this amendment, but, I think, as it was originally written, it was a good piece of legislation and is much needed.

Amendment to HB 430-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to certification for real estate appraisers and making
an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; State Certified Real Estate Appraisers. Amend RSA by inserting after chapter 310-A the following new chapter:

CHAPTER 310-B

STATE CERTIFIED REAL ESTATE APPRAISERS

310-B:1 Purpose. The purpose of this chapter is to bring New Hampshire into compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The federal act's purpose is to protect federal financial and public policy interests in real estate related transactions by requiring that real estate appraisals used in connection with federally-related transactions are

performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision.

310-B:2 Definitions. In this chapter:

I. "Analysis" means a study of real estate or real property other than estimating value.

II. "Appraisal" or "real estate appraisal" means a written statement independently and impartially prepared by a qualified appraiser, and prepared for federally-related transactions under the financial Institutions Reform, Recovery, and Enforcement Act of 1989, setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

III. "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility or specified interests in, or aspects of, identified real estate.

IV. "Appraisal Foundation" means the Appraisal Foundation incorporated as an Illinois nonprofit corporation on November 30, 1987. The purposes of the Appraisal Foundation are:

(a) To establish and improve uniform appraisal standards by defining, issuing and promoting such standards.

(b) To establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing and promoting such qualification criteria; and to disseminate such qualification criteria to states, governmental entities and others.

(c) To develop or assist in the development of appropriate examinations for qualified appraisers.

V. "Appraisal report" means any communication, written or oral, of an appraisal.

VI. "Board" means the real estate appraiser board established pursuant to the provisions of this chapter.

VII. "Certified appraisal or Certified appraisal report" means an appraisal or appraisal report given or signed by a state certified real estate appraiser. The certified real estate appraiser must indicate in the report which type of certification is held. An appraisal signed by a certified appraiser represents to the public that the appraisal meets the appraisal standards defined in this chapter.

VIII. "Certified real estate appraiser" or "certified appraiser" means a New Hampshire state certified appraiser who develops and communicates real estate appraisals and who holds a valid certificate issued to him for either general or residential real estate under the provisions of this chapter.

IX. "Real estate" means an identified parcel or tract of land, including improvements, if any.

X. "Real property" means one or more defined interests, benefits, and rights inherent in the ownership of real estate.

XI. "Valuation" means an estimate of the value of real estate or real property.

310-B:3 Certification Use.

I. No person, other than a certified real estate appraiser, shall assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified pursuant to this chapter shall not describe or refer to any appraisal or other evaluation or real estate located in this state by the term "certified".

II. Paragraph I shall not preclude a person who is not certified as a real estate appraiser from appraising real estate for non-federally related transactions for compensation.

310-B:4 Real Estate Appraiser Board.

I. There is hereby established an independent real estate appraiser board which shall be administratively attached to the joint board of engineers, architects, land surveyors, and natural scientists, under RSA 310-A:1. The board shall consist of the following 7 members: 2 real estate appraisers with a minimum of 5 years' experience, one banker from a New Hampshire lending institution, the banking commissioner, or designee, the insurance commissioner, or designee, the commissioner of the department of revenue administration, or designee, and one member of the general public not associated directly or indirectly with banking, brokerage, real estate appraisal, insurance, or any other related field. All members shall be appointed by the governor with the consent of council.

II. All appointments shall be made within 90 days after the effective date of this chapter.

III. The term of each member shall be 3 years, except that, of the members first appointed, 2 shall serve for 3 years, one shall serve for 2 years, and 2 shall serve for one year.

IV. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. No person shall serve as a member of the board for more than 2 consecutive terms. The appointing authority may remove a member for cause.

V. The board shall meet at least once each calendar quarter to conduct its business and more often on call of the chair, or when the chair is requested to do so by 3 or more members of the board. The action of the majority of the members of the board present and voting shall be deemed the action of the board, and at least 3 members shall be present and voting on every vote of the board. Places of

future meetings shall be decided by the vote of members at meetings or, in the event of a special meeting, by the chair. Written notice shall be given by the chair to each member of the time and place each meeting of the board at least 10 days in advance.

VI. The public member shall chair the board.

VII. No board member shall be entitled to a per diem allowance. Board members shall be reimbursed for actual travel in the performance of official duties at the usual state employee rate.

VIII. The members of the board shall be immune from any civil action or criminal prosecution for actions taken in their capacity as members of the board, provided that such action is taken in good faith and in the reasonable belief that the action was taken pursuant to the powers and duties of the board under this chapter.

310-B:5 Certification Process.

I. Applications for original certification, renewal certification and examinations shall be made in writing to the board on forms approved by the board.

II. Appropriate fees, as fixed by the board under rules established pursuant to RSA 541-A, shall accompany all applications for original certification, renewal certification, and examination.

III. At the time of filing an application for certification, each applicant shall sign a pledge to comply with the standards set forth in this chapter and state that he understands the types of misconduct for which disciplinary proceedings may be initiated against a certified real estate appraiser, as set forth in this chapter.

310-B:6 Classes of Certification.

I. There shall be 2 classes of certification for certified real estate appraisers:

(a) The certified residential real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of residential real property of one to 4 units, and up to 12 units when a net income capitalization analysis is not required by the terms of the assignment.

(b) The certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

II. The application for original certification, renewal certification, and examination shall specify the classification of certification being applied for or previously granted.

310-B:7 Examination Requirements. An original certification as a certified real estate appraiser may be issued to any person who has demonstrated through a written examination process that he meets the minimum requirements of the Appraisal Foundation, as follows:

I. Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate.

II. Understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines.

III. Understanding the uniform standards of professional appraisal practice, as adopted by the board.

IV. Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of certificate for which the applicant applied.

V. Knowledge of other principles and procedures as may be appropriate for the respective classifications.

VI. Basic understanding of real estate law.

VII. Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certified real estate appraiser, as set forth in this chapter.

310-B:8 Examination Prerequisites.

I. As prerequisites to taking the examination for certification as a certified general real estate appraiser, an applicant shall present evidence, satisfactory to the board, that he has completed at least 15 classroom hours of instruction related to standards of professional practice and the provisions of this chapter, in addition to:

(a) Attaining a bachelor of arts, bachelor of science, associate's degree, or a college equivalency certification; or

(b) Completing at least 150 classroom hours of courses in subjects related to real estate appraisal from an appraisal organization or other educational source approved by the board.

II. As prerequisites to taking the examination for certification as a certified residential real estate appraiser, an applicant shall present evidence, satisfactory to the board, that he has completed at least 15 classroom hours of instruction related to standards of professional practice and the provisions of this chapter, in addition to:

(a) Attaining a bachelor of arts, bachelor of science, associates degree, or college equivalency certification; or

(b) Completing at least 60 classroom hours of courses in subjects related to real estate appraisal from an appraisal organization or other educational source approved by the board

310-B:9 Experience Requirements.

I. An applicant for original certification as a certified real estate appraiser shall possess 2 years' experience in real property appraisal, or the equivalent as determined by the board, supported by written reports or file memoranda, in accordance with standards

established by the Appraisal Foundation. Such experience shall be acquired within a period of 5 years immediately preceding the filing of the application for certification.

II. Each applicant for certification shall furnish under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the board for examination a sample of appraisal reports which the applicant has prepared in the course of his appraisal practice.

310-B:10 Term of Certification. The term of a certificate issued under the authority of this chapter shall be 3 years from the date of issuance. The expiration date of the certificate shall appear on the certificate and notice of its expiration shall be given to its holder.

310-B:11 Nonresident Certification.

I. Every applicant for certification under this subdivision who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process upon him may be made by delivery of the process to the secretary of state if, in an action against the applicant in a court of this state arising out of the applicant's activities as a certified real estate appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

II. A nonresident who has complied with paragraph I may obtain a certificate as a certified real estate appraiser by conforming to all of the provisions of this chapter relating to certified real estate appraisers.

310-B:12 Nonresident Certification by Reciprocity. If, in the determination by the board, another state is deemed to have substantially equivalent state certification requirements, equal to or exceeding those of this state, an applicant who is certified under the laws of such other state may obtain a certificate as a certified real estate appraiser in this state upon such terms and conditions as may be determined by the board.

310-B:13 Renewal of Certificate.

I.(a) To obtain a renewal certificate as a certified real estate appraiser, the holder of a current, valid certificate shall make application and pay the prescribed fee to the board not earlier than 120 days nor later than 30 days before the expiration date of the certificate then held. With the application for renewal, the certified real estate appraiser shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in this chapter.

(b) If the board determines that an applicant has failed to meet the requirements for renewal of certification through mistake, misunderstanding, or circumstances beyond the control of the applicant,

the board may extend the term of the certificate for a period not to exceed 6 months, upon payment by the applicant of a prescribed fee for the extension.

(c) If the applicant satisfies the requirements for renewal during the extended term of certification, the beginning date of the new renewal certificate shall be the day following the expiration of the certificate previously held by the applicant.

II. If a person fails to renew a certificate as a certified real estate appraiser prior to its expiration or within a period of extension granted by the board pursuant to this chapter, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and by the payment of a late renewal fee.

310-B:14 Continuing Education.

I. As a prerequisite to renewal of certification, a certified real estate appraiser shall present evidence satisfactory to the board of having met the continuing education requirements of this chapter.

II. The basic continuing education requirement for renewal of certification shall be the completion by the applicant, during the immediately preceding term of certification, of not less than 30 classroom hours of instruction in courses or seminars which have received the approval of the board.

III. In lieu of meeting the requirements of paragraph II, an applicant for certification may satisfy all or part of the requirements by presenting evidence of the following:

(a) Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses approved by the board under paragraph II.

(b) Participation other than as a student in educational processes and programs approved by the board which relate to real property appraisal theory, practices or techniques, including, but not necessarily limited to, teaching, program development and preparation of textbooks, monographs, articles, and other instructional materials.

IV. The board shall give favorable consideration to courses of instruction, seminars, and other real property appraisal educational courses or programs previously or hereafter developed by or under the auspices of professional appraisal organizations or other approved educational resources.

V. No amendment or repeal of a rule adopted by the board relative to this section shall operate to deprive a certified real estate appraiser of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the rule which would have qualified for continuing education credit under the rule as it existed prior to the repeal or amendment.

VI. Certification as a certified real estate appraiser that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for certified real estate appraiser as a condition to reinstatement of certification.

310-B:15 Principal Place of Business.

I. Each certified real estate appraiser shall advise the board of the address of his principal place of business and all other addresses at which he is currently engaged in the business of preparing real property appraisal reports.

II. Whenever a certified real estate appraiser changes a place of business, he shall, within 10 days of such change, give written notification of the change to the board and apply for an amended certificate.

III. Every certified real estate appraiser shall notify the board of his current residence address. Residence addresses on file with the board are exempt from disclosure as public records.

310-B:16 Certificate.

I. A certificate issued under authority of this chapter shall bear the signatures of the members of the board and a certificate number assigned by the board.

II. Each certified real estate appraiser shall place his certificate number adjacent to or immediately below the title "New Hampshire State Certified Residential Real Estate Appraiser" or "New Hampshire State Certified General Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.

310-B:17 Use of Term.

I. The term "certified real estate appraiser" may only be used to refer to individuals who hold the certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

II. No certificate shall be issued under the provisions of this chapter to a corporation, partnership, firm or group. This shall not be construed to prevent a certified real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.

310-B:18 Disciplinary Proceedings. The board may revoke or suspend the certification of any certified real estate appraiser, in ac-

cordance with the provisions of this chapter, upon any of the grounds set forth in this section. The board may investigate the actions of a certified real estate appraiser, and may revoke or suspend the certificate of a certified real estate appraiser for any of the following acts or omissions:

I. Procuring or attempting to procure a certificate pursuant to this subdivision by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation.

II. Failing to meet the minimum qualifications established by this chapter.

III. Paying compensation, including money or any other thing of value, other than as provided for by this chapter, to any member of or employee of the board to procure a certificate under this chapter.

IV. A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others.

V. An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person.

VI. Violation of any of the standards for the development or communication of real estate appraisals as provided in this chapter.

VII. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal.

VIII. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal.

IX. Willfully disregarding or violating any of the provisions of this chapter or the rules adopted by the board for the administration and enforcement of this chapter.

X. Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment.

XI. Violating the confidential nature of governmental records to which he gained access through employment or engagement as an appraiser by a governmental agency.

310-B:19 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by reg-

istered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

310-B:20 Fees. The board shall establish fees for examination of applicants, for certification and for renewal of certification under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board for the previous fiscal year.

310-B:21 Retention of Records.

I. A certified real estate appraiser shall retain for 5 years, all reports and supporting data assembled and formulated by the appraiser in preparing reports.

II. This 5-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such 5-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the 5-year period for the retention of records shall commence upon the date of the final disposition of such litigation.

III. All records required to be maintained under the provisions of this chapter shall be made available by the certified real estate appraiser for inspection and copying by the board, upon a showing of good cause, on reasonable notice to the appraiser.

310-B:22 Rulemaking Authority. The board shall adopt rules pursuant to RSA 541-A, relative to:

I. The application procedure for any certificate issued under this chapter.

II. Design and content of all forms required under this chapter.

III. How an applicant shall be examined.

IV. How a certificate shall be renewed.

V. Ethical standards required to be met by each holder of a certificate issued under this chapter and how such certificate may be revoked for violation of these standards.

VI. Establishing all fees required under this chapter, subject to RSA 332-G.

VII. Standards for appraisal education programs and the issuance of evidence indicating satisfactory completion of such program.

VIII. Procedures for the conduct of hearings consistent with the requirements of RSA 541-A.

IX. The procedure of any other matter related to the proper administration of this chapter.

310-B:23 Separability. If any provisions of this chapter or the application thereof to any person or in any circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

2 Appropriation. The sum of \$40,000 is hereby appropriated to the real estate appraiser board for the biennium ending June 30, 1991, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Effective Date.

I. RSA 310-B:4 as inserted by section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1991.

Amendment adopted. Referred to Finance (Rule #24)

HB 1248-FN, relative to monitoring the reassessment of taxable property by DRA.

Ought To Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: The amendment on page 11, the committee amendment on page 11 is in error, and it will be corrected by a subsequent floor amendment. So the committee urges that we defeat the committee amendment and then take up the floor amendment. So I urge the body to vote no on the committee amendment.

Committee amendment failed.

Senator Johnson offered a floor amendment.

SENATOR JOHNSON: You should have before you a floor amendment to HB 1248-FN, March 22, 1990. This floor amendment is permissive legislation that authorizes the governing body, city or town, to enter into an agreement for payment in lieu of taxes with the owner or operator of an approved facility as defined in RSA 149M1. This is permissive, enabling legislation. It does not require anyone to do anything, and we urge passage of this floor amendment.

Floor Amendment to HB 1248-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to monitoring the reassessment of taxable property
by the department of revenue administration and
relative to payments in lieu of taxes for
certain waste to energy facilities.

Amend the bill by replacing section 2 with the following:

2 New Section; Payment in Lieu of Taxes; Agreement Authorized.
Amend RSA 362-A by inserting after section 8 the following new section:

362-A:9 Agreement Authorized.

I. The selectmen of a town or the designated agent of a city may enter into an agreement for payment in lieu of taxes with the owner or operator of an approved facility as defined in RSA 149-M:1, I-a, which has, or will have, power production capacity greater than 30 megawatts, but not greater than 50 megawatts. Such agreement shall be dispossess of liability for payment of all property taxes during its term which shall not exceed 30 years.

II. Payments under such agreements shall be based upon, but not limited to, consideration of the factors set forth in RSA 362-A:6, II(b), and the amounts of each payment, to be made annually, shall be prescribed in the agreement. Nothing in this section shall require such selectmen or designated agents to enter into such agreements.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

The bill also allows cities and towns to enter into agreements with limited electrical energy producers that also qualify as approved facilities under RSA 149-M for solid waste management purposes to make payments in lieu of taxes.

Amendment adopted.

Senator Disnard offered a floor amendment.

SENATOR DISNARD: Last week, I passed out a letter and some information regarding farm ponds. As you know farm ponds are scheduled AA, A, B, and C. Many of these farm ponds are twenty-five, thirty-five, thirty-seven years of age. Many of them are dug ponds. They were built at the request of a federal agency, a state agency, the extension service for the habitat, protection of animals, fire protection for water for the forest, and the barns and the homes. Many of these people did it to help the state and habitat. Now last year and this year we begin to tack a fee on these farm ponds. Double A farm ponds, I understand, are a quarter of an acre. They aren't a safety problem. The original idea was to collect money so that the State could protect and review dams. The extension service tells me that a dam is different in explanation from what the water resources. The extension services are responsible for building these dams, farm ponds rather, indicate a dam is anything that has two feet of earth above the ground. All around a farm pond. That is not realistic. So I'm asking the Senate to rescind the tax on Double AA farm ponds and send them to the Finance committee.

SENATOR BOND: I rise in support of Senator Disnard's amendment to HB 1248. Many, in fact, most fire ponds and farm ponds which are classified as Double A, were built at the expense of the individual, but are, in actual fact, a benefit to the community. They are not maintained under constant inspection by the Department of Environmental Services. The intent of the fee on dams was to cover the cost of inspections and since these dams are so minor and don't require it, the Commissioner of Environmental Services concurs that this is a very sensible act to take.

SENATOR MCLANE: Senator Disnard, I saw the letter too and I realize that it probably was a mistake to have taxed farm ponds. But, what happens to the people who have got their bill and paid it, are they going to be able to get their money back?

SENATOR DISNARD: If this is rescinded, to my understanding, we get the money back. But, I also understand the payments aren't due until the middle of May. I understand within the State there are 2,200 double A, five hundred are in my district.

Floor Amendment to HB 1248-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to monitoring the reassessment of taxable property by the department of revenue administration, relative to payments in lieu of taxes for certain waste to energy facilities, and relative to annual registration fees for class AA dams.

Amend the bill by replacing section 3 with the following:

3 Eliminating Annual Registration Fees for Class AA and Class A Dams. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee. Annual registration fees for dams shall be payable to the division of water resources on March 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA 482:11. Yearly dam registration fees based on the following dam classification shall be as follows: [Class AA = \$20;] Class A = \$50; Class B = \$200; Class C = \$300. Revenues from this annual registration are to be collected by the division and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

The bill allows cities and towns to enter into agreements with limited electrical energy producers that also qualify as approved facilities under RSA 149-M for solid waste management purposes to make payments in lieu of taxes.

The bill also eliminates the annual registration fee for class AA dams.

Amendment adopted. Referred to Finance (Rule #24)

HB 220-FN, relative to managing tax supported state debt.

Inexpedient To Legislate. Senator Currier for the committee.

SENATOR CURRIER: We conducted a hearing on this bill and after a conversation with the State Treasurer and so forth, decided that this bill was inexpedient to legislate. We felt that it would actually tie the hands of the legislature in terms, in any given year, of dealing with the debt limit in the State.

Adopted.

HB 1039-FN-A, relative to a bingo fee.

Ought To Pass. Senator Roberge for the committee.

SENATOR ROBERGE: This simply increases the tax on bingo from 5 percent to 7 percent. You will notice the fiscal impact. It will increase the state revenues and its a good bill.

Adopted. Referred to Finance (Rule #24).

HB 1057-FN-A, relative to a fee for lucky 7 tickets.

Ought To Pass With Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: This bill simply changes some of the terms and also establishes a different fee structure. They used to have to report every ten days, the bill requires them to report every fifteen days. They are bonded and it's perfectly safe to allow them to report every fifteen days verses ten.

Amendment to HB 1057-FN-A

Amend RSA 287-E:16-a, I by replacing it with the following:

I. "Bag tickets" means a type of lucky 7 tickets of paper composition which are joined together and which bear a certain combination of numbers and symbols to indicate whether or not a prize is to be given. Tickets of this type are sometimes referred to as "staple tickets."

Amend the bill by replacing all after section 2 with the following:

3 Lucky 7 Tax. Amend RSA 287-E:22, I to read as follows:

I. Any charitable organization which sells lucky 7 tickets shall pay a tax of 40 percent of the wholesale cost of the tickets to the commission within [10] 15 days after the receipt of the tickets.

4 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill defines certain terms used in connection with lucky 7 tickets.

The bill also establishes a fee structure to be paid by the distributors of lucky 7 tickets. This fee structure replaces the current lucky 7 tax.

The bill requires the Lucky 7 ticket tax be paid every 15 days.

Amendment adopted. Referred to Finance (Rule #24)

HB 1389-FN-A, relative to the taxation of banks.

Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This bill is going to very easy to pass because if we don't pass it, it might cost us \$5 million dollars. It was the opinion of some bonding counsel that RSA 84:18 had a phrase in it that might have been misconstrued. The phrase was in the text "shall be in lieu of all other taxes against the corporation for banks" and it could have been broadly interpreted to exempt the banks from the business profits tax. The revenue lose was considerable. So this bill removes that section of RSA 84:18 and assures that banks will continue to pay the business profits tax as they always have.

Amendment to HB 1389-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the taxation of banks and relative to the
communications services tax and making an
appropriation therefor.

Amend the bill by replacing section 2 with the following:

2 Communications Services Tax; Gross Charge Redefined. Amend the introductory paragraph of RSA 82-A:2, V to read as follows:

V. "Gross charge" means the [charge] **amount paid** for communications services and for all services and equipment provided in connection therewith by a retailer; valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such communications services, the cost of materials used, labor or service costs or any other expense whatsoever. "Gross charges" for private line service shall include charges imposed at each channel point within this state, charges for the

channel mileage between each channel point within this state, and charges for that portion of the interstate inter-office channel provided within New Hampshire. In case credit is extended, the amount thereof shall be included only as and when paid. However, "gross charge" shall not include:

3 Interstate Communications Services. Amend RSA 82-A:4 to read as follows:

82-A:4 Imposition of Tax; Interstate Communications Services. A tax is imposed upon interstate communications services furnished to a person in this state and purchased at retail from a retailer by such person, at the rate of 3 percent of the gross charge [therefor] **when such service is originated in this state and terminated outside this state or originated outside this state and terminated in this state.** To prevent actual multi-state taxation of communications services that are subject to taxation under this section, any taxpayer, upon proof that that taxpayer has paid a tax in another state on such services, shall be allowed a credit against the tax imposed in this section to the extent of the amount of such tax properly due and paid in such other state. However, such tax is not imposed on communications services to the extent such services may not, under the constitution and statutes of the United States, be made the subject of taxation by the state.

4 Making Estimated Tax Payments. Amend RSA 82-A:7, V to read as follows:

V. Each retailer whose average monthly liability to the department under this chapter [was] **is reasonably estimated to be in excess of \$10,000** [or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government,] shall make estimated payments to the department on or before the [seventh,] fifteenth[, twenty-second and last] day of the month during which tax collection liability to the department is incurred in an amount [not less than the lower of either 22.5] **equal to 90 percent of the retailer's actual tax collections for the same calendar month** [or 25 percent of the retailer's actual tax collections for the same calendar month] of the preceding year[.] **or, if no tax was collected in the preceding year, 90 percent of the reasonably estimated tax collections for the month.** The amount of such [quarter monthly] **estimated** payments shall be credited against the final liability of the retailer's return for that month. Any outstanding credit, approved by the department, arising from the retailer's overpayment of its final liability for any month may be applied to reduce the amount of any subsequent [quarter monthly] **estimated** payment or credited against the final liability of the retailer's return for any subsequent month. If any [quarter monthly] **estimated** payment is not

paid at the time or in the amount required by this section, the retailer shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid[, except insofar as the retailer has previously made payments for that month to the department in excess of the minimum payments previously due].

5 Repeal. RSA 82-A:10, VII, relative to paying refunds from an appropriation made for that purpose, is repealed.

6 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Sections 2-5 of this act shall take effect for gross charges collected from the taxpayer by a retailer on or after April 1, 1990, at 12:01 a.m. for communication services purchased at retail on or after March 1, 1990.

AMENDED ANALYSIS

This bill repeals RSA 84:18, which exempts banks from paying taxes other than the bank tax.

The bill also amends the communications services tax, RSA 82-A, by:

(1) redefining "gross charge."

(2) clarifying when the tax is imposed upon interstate communications services.

(3) amending the requirements for making estimated payments and providing refunds.

Amendment adopted. Referred to Finance (Rule #24)

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements.

Ought To Pass With Amendment. Senator Bartlett for the committee.

SENATOR BARTLETT: HB 1410 is recodification of liquor laws. In 1980, a study committee was approved by both the House and the Senate with five members of the Senate and five members from the House. They were unable to complete their task and it was continued in 1989. Representatives Kelly and Behrens did much of the work for the House and many members of the Senate worked to help bring this to a conclusion. The committee did an excellent job. They met with the commission, they met with industry, they met with the tourism people, the hotels, and all the people involved. The bill came to Internal Affairs, at which time Representative Behrens and Kelly offered an Executive session amendment to correct and clarify areas. Those present at the Executive session were the liquor com-

mission in total, Representatives Kelly and Behrens, and other people. The clarifications are fairly simple, and at the time that we were there, Senator Currier asked a very important question. There were three other amendments being brought forth and Senator Currier's question was "why are we at this time bringing forth amendments that have to do with licensing of brokers." Senator Currier, that was a very good question. At the time, I was not at liberty to inform him of the reason why that was done. You have before you a letter dated January 23, 1980 that I have been able to obtain. It came to my attention previously to the amendments that there was a problem of one or two things. One was undue influence from Massachusetts brokers. In Massachusetts they have a franchise somewhat different than the brokers in New Hampshire. The brokers in New Hampshire serve on a thirty day contract. Franchise means that person or that company has control of that alcoholic beverage and sale of that, basically, forever, unless they do something really poor. What had happened to one person in this State is that a strong Massachusetts broker went to the manufacturer and said we want to do New Hampshire, and they did New Hampshire. The Liquor Commission needed something to control the fact that Massachusetts cannot control our liquor or our liquor commission. The letter that you have before you dated January 23, 1980 is from the director of marketing and this letter indicates very clearly that there is a possible scheme and collusion operating between a broker and company doing business in New Hampshire. The wording of this letter, I understand after doing some investigation, has come from the Attorney General's office who is assigned to the liquor commission. It was my understanding that the Attorney General, the Assistant Attorney General told the liquor commission they could forgive it or pursue the actions, but it was illegal. Upon further questioning of the liquor commission, they have indicated that they told the Attorney General that this was money due to the State of New Hampshire and that we should have a refund. In my opinion, the Liquor Commission has acted properly, they are now in the process of reviewing several brokers in the State who may also be violating the statute. It is my understanding, again today, that they have had no further advice or action from the Attorney General's office and I think it is time the State of New Hampshire took action to recover the money. You know in this year more than any other year, we should be receiving all the money that is due to the State. It may seem coincidental, but, today the New Hampshire Liquor Commissioner was called into the Governor's office after they became aware that I had a copy of the letter. These amendments have received the approval of the Liquor Commission, the Assistant Attorney General, and the House Committee. This will help prevent future problems like this. The dollars that

we thought this morning may exceed \$500,000, this afternoon we're not sure if they will double and triple that. If we are to continue to be a controlled state we must be willing to allow the Commission to have the necessary tools to control our investment. Why there has been no action, I cannot tell you. I realize that I have been criticized and I have some cartoons that I will hand out later on or probably next week. But I might ask you to enjoy these comments and realize that the part I told you is very serious, probably the next few comments will take the seriousness off. Within the next few days, I can assure you that the Manchester Union Leader will probably make some editorial. And the editorial will probably say "Go home to Kingston, Bill. Senate President Bill Bartlett, Kingston once again has made references to our friend Judd Gregg and the Attorney General in a political manner about the possible over-charging of New Hampshire Liquor Commission for certain wines. He did this in public in the Senate, for political gain. Senator Bartlett's ego requires that he inform the public of such schemes, and not discuss them in private with the administration. Bill go home, New Hampshire does not need people like you who will not sit down quietly while our State continues to be over-charged for goods and for one who feels that the public should have the right to know." Signed J, and I'm not sure which J it is. I urge you to pass the bill as amended. Thank you very much.

SENATOR PRESTON: This is news to me. This is not a pre-arranged scenario for the benefit of anyone. Senator, if I were on the Finance committee, I would be vitally interested. What is the Attorney General's Office doing as result of the Liquor Commission's response that they don't want to forget it, that that money belongs to the people of the State of New Hampshire? I think that is a valid question and a point that's yours.

SENATOR BARTLETT: Well, Senator in respond to your answer, obviously you are not Governor yet so you're not entitled to all the inside information, but, it is my understanding that there has been no correspondence back to the Liquor Commission to inform them how to proceed, that they have informed the Attorney General that this is illegal. I understand the chief law enforcement body of the state is the Attorney General and the ball is really in the Attorney General's court.

SENATOR JOHNSON: Senator Bartlett, why would our Liquor Commission have been routinely paying these other charges?

SENATOR BARTLETT: Senator Johnson, under the sale of liquor throughout the country, the agreement is that the State of New Hampshire be able to purchase alcoholic beverage at the lowest

price available. I can't answer to you why these other charges were paid. I really don't know. Someone has missed this, but when they did find it they made contact with Jet Wine and Spirits and asked for a refund. We understand by further correspondence with Jet Wine and Spirits said that they can't operate unless they do this.

SENATOR JOHNSON: Don't you agree then, Senator Bartlett, that perhaps yourself or somebody in our Ways and Means Committee ought to ask that question of the Liquor Commission, why were they routinely paying these other charges without calling that into question. Certainly, if I got a bill like that, that said other charges, I would want to know what it was for.

SENATOR BARTLETT: Let me try to explain to you, because everyone here claims that I'm a friend of liquor, so you might as well understand that I did spend a lot of time years ago. Back in 1983, there was a question of how much inventory we had and there was an excessive amount and remember our Governor then wanted to bond it and I felt that we ought to sell it off. This does not show up on the bill as other charges, but what had happened is that the Liquor Commission has one or two people, and I don't know how many there are, routinely check to see what they should be paying for this beverage. When this finally came through, they looked and they found that they were paying excess of the low cost and went back and checked, looked at the law and said this is an additional charge. If the lowest price is \$3 then that's what they would be looking for on the invoice, then they found \$3.60 which meant that there must be other charges. This was something that was found by the Liquor Commission by auditing the accounts and how long it has been going on we are not sure.

SENATOR JOHNSON: This doesn't have anything to do with jet skis, does it Senator Bartlett?

SENATOR BARTLETT: Well, I think that probably we are going to deal with jet skis in the next day or so.

SENATOR CHARBONNEAU: Senator Bartlett, what I don't understand is why they hadn't caught this sooner, I mean the Liquor Commission has been going on for how many years here?

SENATOR BARTLETT: Well 1930-1933. This company is only six years old so the difficulties go beyond those six years.

SENATOR CHARBONNEAU: But, if they were doing their job I think they would have caught this.

SENATOR BARTLETT: I can't answer all the questions here. Because you do realize that I have difficulty getting questions answered from certain parts of the government, and I really have left the only open forum here today. After this discussion today, I assume that we would be coming forth as to why this has taken so long, and how much of the stolen amount of dollars are out there. The Liquor Commission tells me they are now auditing back for a period of six months. We now hear a rumor that this may have gone on for five years. So you may be absolutely correct.

SENATOR CHARBONNEAU: Can we go back and pick up that money or what?

SENATOR BARTLETT: If the Attorney General says we're still within the statute of limitations, if you're violating the law which this appears to be, and I'm just going by this letter, this letter certainly is very positive. It says you have been overcharging the State that would be, and I'm not an attorney, defrauding the State of New Hampshire and acting illegally. I assume that they can go back to whatever the statute allows.

SENATOR CHARBONNEAU: It might help with our deficit.

SENATOR BARTLETT: Well, I wonder why they didn't come back and say look we have a possibility out here for picking up, this is more solid money than the other money we put in the budget.

SENATOR CURRIER: Senator, my question I guess is kind of two parted. Why in God's name are we actually saying that it's the Attorney General or the Governor, when, in fact, we have three Commissioners that are really in charge of the Liquor Commission who had the, doesn't the buck stop there? This Senate knows I'm very critical of the Liquor Commissioner at this point. But, why is this directed to the Governor and the Attorney General as oppose to Moe, Joe, and Curly?

SENATOR BARTLETT: I assume that I understand your question. This matter has been referred to the Attorney General, this is a very serious matter and we have joked a little about it. But, this is a very serious matter. It may run into the high six figures into the seven figures. It seems difficult. But again, within a couple weeks, information has not been brought forward to us about things that are happening and I refer to the Pease area. I don't know why the Attorney General, who is a law enforcement officer of the State has been informed of this, but he has not taken it. He is the law enforcement officer, he does the prosecuting. My understanding from three commissioners just a half an hour ago, that they have informed At-

torney Mullens and he is the one that helped draft this letter; so the Attorney General's office is aware of this matter. Why it is not proceeding in due course, or maybe it's being very quietly handled. But you can't keep anything in this place quiet and if you send a letter to all companies doing business with the State of New Hampshire represented by Jet Wines and Spirits, you are not going to get much real confidentiality out of that. The buck doesn't stop anywhere except at the top. And if Harry Truman, the good Democrat were here, he would tell you where the buck stops.

Amendment to HB 1410-FN

Amend RSA 175:1, XLIV as inserted by section 1 of the bill by replacing it with the following:

XLIV. "Liquor and wine representative" means a person who offers for sale or solicits orders for the sale of any liquor or wine or both. A liquor and wine representative shall be employed by the holder of a vendor's license. A licensed representative may also employ registered salespersons to act in his behalf.

Amend RSA 177:6 as inserted by section 1 of the bill by replacing it with the following:

177:6 Liquor Dispensed Only Through Commission. Except as provided in RSA 178:6, II, no liquor shall be sold in any state store, nor by any sales agent, nor by any person holding an on-sale or off-sale retail license under RSA 178, except that obtained from the commission.

Amend RSA 178:2 as inserted by section 1 of the bill by replacing it with the following:

178:2 Licenses Authorized. The commission may issue licenses to individuals, partnerships, or corporations but not to unincorporated associations, on application duly made therefor for the manufacture, sale, offer for sale, or solicitation of orders for sale of liquor or beverages within the state, subject to the limitations and restrictions imposed by this title. They shall keep a full record of all applications for licenses, of all recommendations for and remonstrances against the granting of licenses, and of the action taken such applications.

Amend RSA 178:4 as inserted by section 1 of the bill by replacing it with the following:

178:4 Liquor Vendor License. Except as provided in RSA 178:6, II any person desiring to sell liquor other than table wine shall register to do business with the commission, designate a licensed liquor representative, and obtain a liquor vendor license. A liquor company shall be defined for the purpose of this section as a firm, partnership, or corporation. Notwithstanding any other provision of law, a liquor vendor shall not change or replace a liquor representative

without just cause as determined by the liquor commission. The vendor's license shall expire annually on the last day of the month of the incorporation or other organization of the liquor company and shall be renewed annually by the commission, upon application, unless the commission finds, after notice and hearing, that the renewal of such license would be against the public interest.

Amend RSA 178:7 as inserted by section 1 of the bill by replacing it with the following:

178:7 Table Wine Vendor License. Except as provided in RSA 178:6, II no table wine shall be sold in this state except to the state liquor commission unless the manufacturer thereof holds a valid wine vendor license pursuant to the provisions of this chapter. Notwithstanding any other provision of law, a wine vendor shall not change or replace a wine representative without just cause as determined by the liquor commission. Such wine vendor license shall be issued by the commission upon application for such license and payment of the required fee unless the commission finds the issuance of such a license is not consistent with the purposes of this title; provided, that the license shall not be granted unless and until such manufacturer shall have made a written agreement with the commission to comply with the rules adopted by the commission. If a manufacturer fails to comply with said agreement or fails to comply with any law or rule, the commission may, in its discretion suspend or revoke such license.

Amend RSA 178:8 as inserted by section 1 of the bill by replacing it with the following:

178:8 Liquor and Wine Representative License. A liquor and wine representative license shall authorize its holder to offer for sale or solicit orders for the sale of any liquor or wine, if the vendor of such liquor or wine is the holder of a liquor and vendor license. A licensed liquor and wine representative may also employ registered sales persons in accordance with RSA 178:9. A liquor or wine representative may not hold any other license except a liquor and wine import warehouse license. The annual fee, due on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization. The commission shall approve all applications for licenses authorized under this section unless it shall have good cause not to approve one.

Amend RSA 178:19, II(a)(1) as inserted by section 1 of the bill by replacing it with the following:

(a)(1) Licenses for Full Service Restaurants. The commission may issue a license to any full service restaurant. Such license shall entitle the licensee to sell beverages and liquor, to be consumed with meals at tables in the approved dining rooms of the restaurant. Full

service restaurants holding cocktail lounge licenses may serve liquor in the dining room without meals when the restaurant kitchen is in operation, and meals are being served in that dining room. The dining room shall not, however, be used as a substitute for lounge operations. Licenses shall be granted only to restaurants approved by the commission and which show the commission on forms, filed annually between January 15 and February 15, for the previous calendar year, that at least 50 percent of the gross sales of any such licensee are in food. Restaurants with annual food sales of at least \$100,000 shall be exempt from the 50 percent requirement. The commission shall at least annually review each license, and application for renewal, on the conditions stated in this paragraph.

Amend RSA 178:26, III, IV, and V as inserted by section 1 of the bill by replacing them with the following:

III. A schedule of hours and procedures by which holders of combination and retail table wine licenses may purchase table wines by the bottle at state retail liquor stores.

IV. A schedule of hours and procedures by which table wines may be purchased at the discount price for resale by holders of retail table wine and combination licenses at 15 percent less than the regular retail price in the liquor stores and 20 percent less than the regular price F.O.B. at the warehouse.

V. A schedule of hours and procedures by which table wines may be purchased for resale by holders of combination and retail table wine licenses on a credit basis, the terms of which shall provide for payment of accounts within a period not to exceed 15 days.

Amend RSA 178:27, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Licenses upgrading a license type or increasing the number of registers shall pay the prorated difference between their current fee and the higher fee. Any required fee shall accompany the application.

Amend RSA 178:29 as inserted by section 1 of the bill by replacing it with the following:

178:29 Payment of License Fees. Each wholesale distributor shall on or before the tenth day of each month pay the license fees as provided by RSA 178:28 covering sales made during the preceding calendar month. Collections for such fees from off-sale and on-sale licensees shall be made for sales during the preceding month.

Amend RSA 179:12, II as inserted by section 1 of the bill by replacing it with the following:

II. No person holding a wine vendor license shall be employed by any licensee in any capacity, and no licensee shall employ in any capacity a person holding a wine manufacturer license.

Amend the bill by replacing section 20 with the following:

20 Effective Date. This act shall take effect July 1, 1990.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Roberge moved to remove **HB 1315**, relative to child support guidelines from the Table.

Adopted.

Committee report Ought to Pass with Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: The purpose of this bill is to modify the formula used to calculate a child support obligation and to comply with federal mandates. The bill has two amendments. One amendment, the objective of child support guidelines as enacted last session, was to limit the amount of income required to be included in the formula, for those employees who work in jobs which traditionally pay overtime. The intent was to protect those individuals from being forced to work overtime or take second jobs to pay their child support. The other amendment has to do with guardians ad litem. It establishes professional standards for practices and there are penalties for violation of those.

Amendment to HB 1315-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to child support guidelines and to guardians
ad litem appointed in marital cases.

Amend the bill by replacing section 5 with the following:

5 Gross Income Defined; Overtime Wages. Amend the introductory paragraph of RSA 458-C:2, IV to read as follows:

IV. "Gross income" means all income from any source, whether earned or unearned, including but not limited to, wages, salary, commissions, tips, annuities, social security benefits, trust income, lottery or gambling winnings, interest, dividends, **investment income**, net rental income, self-employment income, alimony, business profits, pensions, bonuses, and payments from other government programs (except public assistance programs, including aid to families with dependent children, aid to the permanently and totally disabled, supplemental security income, food stamps, and general assistance received from a county or town), including, but not limited to, workers' compensation, veterans' benefits, unemployment

benefits, and disability benefits[,]; provided, however, that no income earned at an hourly rate for hours worked, **on an occasional or seasonal basis**, in excess of 40 hours in any week shall be considered as income for the purpose of determining gross income; **and provided further that such hourly rate income is earned for actual overtime labor performed by an employee who earns wages at an hourly rate in a trade or industry which traditionally or commonly pays overtime wages, thus excluding professionals, business owners, business partners, self-employed individuals and others who may exercise sufficient control over their income so as to re-characterize payment to themselves to include overtime wages in addition to a salary.** In addition, the following shall apply:

6 Purpose. The purpose of section 7 of this act is to further the intent of the general court, as provided in 1986, 103, to enhance the professionalism of guardians ad litem appointed to represent the interests of children in many divorce cases by requiring the supreme court to establish professional standards and practices, and penalties for violation of such standards and practices, for such guardians ad litem.

7 New Paragraph; Guardian Ad Litem in Marital Cases; Ethical Standards and Professional Requirements. Amend RSA 458:17-a by inserting after paragraph III the following new paragraph:

IV. The supreme court shall provide the following relative to guardians ad litem appointed pursuant to this section:

(a) Standards and requirements for registration as a guardian ad litem.

(b) Standards for practice, including but not limited to ethical rules.

(c) Disciplinary procedures for violating ethical rules and requirements established under this paragraph.

(d) Penalties for violation of ethical rules and requirements, including, as the court may deem necessary, fines or disciplinary action, or both.

8 Effective Date.

I. Sections 6 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill permits parties to deduct the amount of any state income taxes they have actually paid from the parents' combined adjusted gross income in the calculation of the parties' net income performed for the purposes of determining child support.

The bill includes investment income as income to be used in the calculation of gross income. The bill also clarifies the definition of overtime pay which is not to be included in the calculation of gross income. Such pay is to reflect income earned for actual overtime labor performed by an employee on an occasional or seasonal basis who earns wages at an hourly rate in a trade or industry which traditionally pays overtime wages, thus excluding professionals, business owners or partners, self-employed individuals and others who are able to re-characterize payment to themselves to include overtime wages in addition to a salary.

The bill also makes minor technical changes to the child support guidelines law.

The bill changes the law relative to guardians ad litem appointed to represent children solely in proceedings for divorce, annulment, or legal separation by requiring the supreme court to establish professional standards and practices, and penalties for violation of such standards and practices, for such guardians ad litem.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Podles moved to remove **HB 1158**, relative to protecting the United States flag from desecration when it is properly displayed on public or private property from the Table.

Adopted.

Senator Podles for the committee.

SENATOR PODLES: HB 1158 prohibits the desecration of the United States flag while it is publicly displayed and while it is the property of another. It allows a worn or frayed flag to be destroyed in a dignified manner, preferably by burning privately, and it would also punish as a misdemeanor the willful desecrations of the flag.

Amendment to HB 1158-FN

Amend RSA 646-A:1, III as inserted by section 2 of the bill by replacing it with the following:

III. "Properly displayed" means any flag of the United States attached to a public or private building by means of a pole or any other attachment which renders the flag of the United States to be displayed according to commonly accepted flag etiquette; any flag of the United States displayed in a cemetery to mark a memorial or veteran's gravesite; any flag of the United States displayed for a certain period of time to mark a national holiday; any flag of the United States which is historic and is maintained in a display case

for public viewing; or any flag of the United States displayed in accordance with Public Law 623, approved June 22, 1942 and amendments thereto.

Committee amendment adopted.

Senator Podles offered a floor amendment.

SENATOR PODLES: What it does is removes the language "in a public manner" because this language is unnecessary and the phrase "properly displayed" is defined in the bill and that should be sufficient. The New Hampshire law is different from the federal law recently declared unconstitutional. So we urge support for the bill as Ought to Pass With Amendment.

SENATOR KING: Senator Podles, when you tabled this bill you stated to some of us that you wanted to table it so you could check its constitutionality. How does this floor amendment change the bill, does it alter in any way the bill, and second of all what did you find out about the constitutionality?

SENATOR PODLES: It's constitutional, the only thing we removed is three words "in a public manner" because the properly displayed is sufficient. We don't have in a public manner defined so we have removed that and it just states "it shall be unlawful to knowingly desecrate a flag of the United States while it is properly displayed".

SENATOR KING: Senator Podles, just one last question. You referred in your remarks, and I'm going to ask you for the record, is this a committee amendment?

SENATOR PODLES: It is Senator Podles' amendment.

Floor Amendment to HB 1158-FN

Amend RSA 646-A:2, I as inserted by section 2 of the bill by replacing it with the following:

I. It shall be unlawful to knowingly desecrate a flag of the United States while it is properly displayed.

Floor amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Podles moved to remove **HB 1441**, relative to medicaid fraud from the Table.

Adopted.

Senator Podles for the committee.

SENATOR PODLES: What HB 1441 does is, it's basically a house-keeping bill. It tightens up some of the statutes which will make it easier to prosecute medicaid fraud by providers of health care services and this includes hospitals and others.

Senator Podles offered a floor amendment.

SENATOR PODLES: Tape in audible.

Floor Amendment to HB 1441-FN

Amend RSA 167:61-a, I(a)-(f) as inserted by section 1 of the bill by replacing them with the following:

(a) Knowingly make, present or cause to be made or presented, with intent to defraud, any false, fraudulent, claim for payment for any good, service, or accommodation for which payment may be made in whole or in part under RSA 161 or RSA 167;

(b) Knowingly make, present, or cause to be made or presented, with intent to defraud, any false, fraudulent statement or representation for use in determining rights to benefits or payments which may be made in whole or in part under RSA 161 or RSA 167;

(c) Knowingly make, present, or cause to be made or presented, with intent to defraud, any false, fraudulent report or filing which is or may be used in computing or determining a rate of payment for goods, services, or accommodations for which payment may be made in whole or in part under RSA 161 or RSA 167; or make, present, or cause to be made or presented any false, fraudulent statement or representation in connection with any such report or filing;

(d) Knowingly make, present, or cause to be made or presented, with intent to defraud, any claim for payment, for any good, service, or accommodation for which payment may be made in whole or in part under RSA 161 or RSA 167, which is not medically necessary in accordance with professionally recognized standards;

(e) Knowingly make or cause to be made, with intent to defraud, any wholly or partially false, fraudulent book, record, document, data, or instrument, which is required to be kept or which is kept as documentation:

(1) For any good, service, or accommodation for which payment is or has been sought in whole or in part under RSA 161 or RSA 167; or

(2) Of any cost or expense claimed for reimbursement for any good, service, or accommodation for which payment is or has been sought in whole or in part under RSA 161 or RSA 167;

(f) Knowingly:

(1) Make or cause to be made, with intent to defraud, any false, fraudulent statement to; or

(2) Offer or present or cause to be offered or presented, with intent to defraud, any wholly or partially false, fraudulent record, document, data, or instrument to; any law enforcement officer, including any employee or agent of the attorney general, or to any employee or agent of the department of health and human services, in connection with any audit or investigation involving any claim for payment or rate of payment for any good, service, or accommodation payable in whole or in part under RSA 161 or RSA 167;

Amend the introductory paragraph of RSA 167:61-a, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Knowingly make, present, or cause to be made or presented, with intent to defraud, any claim for payment for any good, service, or accommodation for which payment may be made in whole or in part under RSA 161 or RSA 167, which may only be furnished by a person who is licensed by an appropriate licensing authority, and the person who furnished the good, service, or accommodation:

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes criminal penalties to be used to prosecute persons who fraudulently or falsely acquire money or services from the department of health and human services for public assistance.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator King moved to remove **HB 1083**, establishing speed limits for the operation of OHRVs from the Table.

Adopted.

Senator King for the committee.

SENATOR KING: HB 1083 was laid upon the table for the purpose of negotiating with some folks from different snowmobile associations who had come to myself and a couple of other members of the committee to ask them about procuring some additional funds for trail maintenance and improvement in the State of New Hampshire. Snowmobiling has become one of the largest generators of revenue in the State of New Hampshire just within the last few years, and really has moved right up a great deal in terms of its impact on the tourist industry in the State. What you have before you are two things. First of all you have the bill 1083 which establishes some restrictions on speed limits for the operation of OHVs, which the

committee heard and adopted. The second thing you have before you is the amendment that does two additional things. The first is to correct a typographical error that occurred in the RSAs.

Senator King offered a floor amendment.

SENATOR KING: The amendment that you see in front of you now, is an amendment that has been discussed with the members of the committee and has the approval, I believe, of the all members of the Transportation Committee. It does two things, it corrects a typographical error that occurs within the RSAs in the supplement that occurred last year. The second thing that it does is it provides for additional funding through an increase in the registration fee that has been approved by the clubs in the State, and the monies will be solely used for local clubs for the purchase of equipment to maintain trails, for trail maintenance, and construction.

SENATOR BOND: Senator King, do these funds get distributed in the same way that all other registration funds get distributed?

SENATOR KING: This does not change how the funds are distributed at all. They still go through the Bureau of Off Highway Vehicles.

SENATOR BOND: Does that mean that in addition to money going to the grants of aid that money will go to Fish and Game in proportion to the increased cost?

SENATOR KING: No, Senator Bond. The entire increase will go to local clubs.

SENATOR CURRIER: I rise in support of the King amendment. It had come to my attention over this past winter that there are many New Hampshire residents that don't even ski mobile in the State of New Hampshire because of the conditions of the trails and so forth. They all go to Canada. After further investigation into this, I find that there are a lot of people from Massachusetts who ski mobile and some of the other southern states, that in fact, come right through New Hampshire and maybe only buy a little bit of gas on their way to Canada because of the trails. I rise in support of the pending motion. I think it will do a lot to enhance some of the trail networks that exist in the State so that we can have a better share of that traffic. Thank you.

SENATOR KING: Before we go to a vote, I just would like to say that with all do respect to Senator Currier that some of my constituents worked long and hard all winter long maintaining a very creditable trail system, and that there may be some trails in the State that are not rideable, but, in my district they certainly are.

Floor Amendment to HB 1083

Amend the title of the bill by replacing it with the following:

AN ACT

establishing speed limits for the operation of OHRVs
and increasing OHRV registration fees.

Amend the bill by replacing all after section 5 with the following:

6 Registration Fees. Amend RSA 215-A:23, I, I-a, II, III, and IV to read as follows:

I. Individual resident registration - [§18] **\$23** for each registration upon presentation of resident tax receipt, or a valid New Hampshire driver's license issued to a person 18 years of age or older.

I-a. Resident antique snow traveling vehicle permanent registration - [§30] **\$35** for each registration upon presentation of resident tax receipt.

II. Individual nonresident registration - [§22] **\$27** for each registration.

III. Dealer registration - [§18] **\$23** for each plate or set of plates; rental plates - \$18 for each plate or set of plates.

IV. Registration after transfer as provided in RSA 215-A:22 - [§8] **\$13**.

7 Grant-in-aid Program. Amend RSA 215-A:23, V(a) and (b) to read as follows:

V. From each fee collected:

(a) The first [§4] **\$8** shall be appropriated to the department of resources and economic development for administration of the bureau, and shall be used by the bureau for its grant-in-aid program. These funds shall be kept in a separate account and shall not be used for any other purpose. **Of the \$8, \$3 shall be used for trail maintenance and construction and \$5 shall be used for the purpose of trail grooming and trail maintenance equipment.** Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. Grants-in-aid shall be granted to organized nonprofit OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. The private landowner shall also retain the right to

post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV. **In addition, \$1 from the amount collected from each individual registration fee shall be used by the bureau for the sole purpose of purchasing OHRV trail maintenance equipment. These funds shall be kept in a separate account and shall not be used and shall be appropriated for this purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.**

(b) Forty-five percent **plus \$1** of the balance after the deduction authorized in subparagraph (a) shall be appropriated to the department of resources and economic development for administration of the bureau for the following:

(1) Publications.

(2) Trails.

(3) Easements and rights-of-way.

(4) OHRV facilities.

(5) Such other purposes as may be budgeted within the limits of the funds available. Any unexpended balance in said accounts shall not lapse, but shall be carried forward to the next fiscal year:

8 Funds Obtained. All revenue generated as a result of this act shall be in addition to funds appropriated to the grant in aid program of the bureau of off highway recreational vehicles for fiscal year 1991 and thereafter.

9 Effective Date. This act shall take effect October 1, 1990.

AMENDED ANALYSIS

This bill establishes speed limits for OHRVs under various conditions.

The bill increases all OHRV registration fees by \$5 and specifies how certain amounts to be deducted from each registration fee are to be expended by the bureau of off highway recreational vehicles.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator King moved to remove **HB 1172**, relative to the physical condition of drivers from the table.

Adopted.

Senator King moved to substitute Ought to Pass for the committee report of Inexpedient to Legislate.

Senator King offered a floor amendment.

SENATOR KING: The original Committee report on this was that it be Inexpedient to Legislate. We felt that the original bill was much too far reaching in terms of the infringements upon the rights of those who were disabled. However, there was a concern that was raised by members of the medical community concerning those people who doctors felt were clearly not capable of driving. That concern was that the doctors were afraid to notify the Department of Safety and that there was nothing that the Department of Safety could do if a doctor felt that someone was not capable, for a medical reason, of operating an automobile. The amendment that you see before you does one simple thing. It allows a physician to notify the Department of Safety in the event that the physician, whether the physician is male or female, feels that a person that he has examined is not capable of driving safely. The Commissioner of Safety may then ask that that individual undergo some kind of a physical examination and have a physician's recommendation relative to them continuing to receive their driver's license.

SENATOR DISNARD: Senator King, why is it may and not shall? I would think that the physicians are placing themselves in difficulty if it was proven one of their patients should not be driving and that physician did not report it. Think of the liability. Why is that may and instead of shall?

SENATOR KING: Senator Disnard, the fact is that whenever you have to make a judgment about an issue like this, about the relative impairments of an individual, you are making a judgment call and it seems to me only fair way that we should say that they "may" inform the Commissioner of Safety, if they believe that it is a serious problem. But not that they are compelled to because we are asking them in the first place to make a judgment call, and in the second place if we compel them to not only make the judgment call, but, then to call the Commissioner of Safety, I think that we have in fact compounded the liability problem rather than easing the liability problem. This merely allows them to call the Department of Safety and notify them, but, it does not hold them liable for doing that.

SENATOR DISNARD: I read where it says in writing, Senator King.

SENATOR KING: Pardon me, they notify them in writing.

SENATOR NELSON: What I want to ask you is, in it it says "who has reason to believe," I mean is that enough now that a doctor has a reason, we don't identify what the reasons are. Don't you think that we should be a little more specific than to have just a reason? I just feel it is not descriptive enough. What do you think of that?

SENATOR KING: Senator Nelson, it is my belief that doctors are extraordinarily conservative about making these kinds of recommendations because they are cognizant of the fact that they may indeed be infringing upon an individual's ability to earn a living. That is why the language is permissive here and that is why to some degree it is somewhat vague. What we don't want is for the Commissioner of Safety to be keeping a log of any individual with any disability in the State of New Hampshire because that is none of their business.

SENATOR NELSON: This says any physician who has reason. It doesn't say licensed physician. Would you believe it doesn't say licensed? It has reason to believe, could you remark on that?

SENATOR KING: Senator Nelson, do you know of any physician who isn't licensed? If you do, I would like you to divulge his or her name today. That is both a question and an answer.

SENATOR NELSON: I would just say, sir, this is very serious. I would say to you this, that court cases rotate on a comma, and on a period, and on a word and I'm suggesting to you that this kind of language can be a problem. It's very open and it's not tight enough, they are carte blanche to say anything they want, and a physician could, in fact, be a physician and not be licensed.

I rise in opposition to this amendment with all due respect to my colleague from the Seacoast and Senator King. I believe that I understand what they're trying to accomplish, but I do not believe that the language in this particular legislation is fair, the way it's written, to the people in this State. When any person could come in here and be a physician, I could go to college and not be licensed. I could have any reason to do this. What is the individual's recourse to this. No sir; thank you, I just wanted to express my opposition to this. Thank you.

SENATOR PRESTON: Senator Nelson, I apologize for not having taken part in the debate earlier. Would you, if we did correct this to say a licensed physician, would that satisfy you? You raise a valid point, but this was of such magnitude that they wanted to address it. This seemed to be the best we could do. The question to you is, would you support it if we changed that word?

SENATOR NELSON: Senator Preston, I think I would consider supporting it with that. But, I would also indicate to you, Senator Preston, that we are also using the word reason, who has reason to believe. I think it should be clearly stated, unless they are going to do it under rule making authority, specific conditions. I mean I think

that this is just so wide open that I think we should tighten it up. I would certainly consider a licensed physician, but, I would like to see reasons tightened up.

Senator King moved to have **HB 1172**, relative to the physical condition of drivers Laid on the Table.

Adopted.

RECONSIDERATION

Senator Bond moved reconsideration of **HB 1050** relative to “junk fax”.

SENATOR BASS: I rise in opposition to the pending motion and urge my colleagues to vote no. This bill was thoroughly debated in the Senate. We had a clear vote to pass this on to third reading. I think the bill has a lot of merit and as the owner of a machine that is potentially subject to junk, I hope that we will stand by the vote that we took in the last session and vote “no” on the pending motion.

SENATOR DUPONT: I rise in support of the reconsideration motion. I apologize to the committee who heard this bill because had I known what I know today, I would have appeared at the committee hearing and spoken to the committee. There are some serious questions that have been raised about this bill that weren’t addressed by the committee, and I take responsibility for not bringing that information to them. But, I didn’t have it at that time, and I would like the opportunity to find out a little bit more about this legislation, and I think it needs to be brought back out.

SENATOR JOHNSON: I rise in opposition to the pending motion to reconsider, somewhat for the same reasons that Senator Bass has already offered. But subsequent to the vote the other day, I’ve gotten additional letters in support of prohibiting people from just tying up somebody’s fax machine with unwanted, unnecessary messages, and that is what that bill was intended to do.

SENATOR BASS: Senator Dupont, in an effort for this body to decide whether or not to reconsider this bill, I was wondering if you could enlighten us as to exactly what the questions are?

SENATOR DUPONT: Well, Senator, there are some legal questions that I’ve asked for some counsel on that deal with whether or not this bill, as it’s presently written, is enforceable. Whether or not you’re really doing anything, say somebody can take somebody to small claims court for sending junk fax. For anyone that has been to small claims court to try to collect a bad check, or any other bill,

they probably would recognize the fact that this is not a significant piece of legislation, and probably will have no impact on junk faxes in the State. Along with the issues that deal with whether or not this bill, which I believe was intended to get at out of state companies that utilize fax machines for junk fax transmission, I know of no incidents where we have a firm in the State that uses a fax machine for sending out advertising. If somebody would enlighten me in fact, how many companies in this State do send out advertising by a fax, that might make me a little bit more comfortable with passing this. So I think, in essence, what I'm saying is we are going to pass a piece of legislation that does nothing but take up some space in the RSAs, and I would like a little more time to take a look at that.

SENATOR MAGEE: Senator Dupont, my question was going to be on the difference between intra and interstate, I think you just explained that.

SENATOR BASS: Senator Dupont, if this bill is reconsidered, what is your intention, what further action do you intend to take?

SENATOR DUPONT: Well Senator, I would gladly make the commitment to take it off the table at an appropriate time if that is what we ultimately decide to do. If we decide to recommit it, that is fine, if it is decided that we would table it, my concern at this point and time is that it does have some questions. I also was not present when the bill was heard in the committee, and I don't believe that day I was on the floor.

SENATOR BASS: I would like to concur with the remarks made by Senator Dupont, given the information that he has given to us, and I plan to vote yes on reconsideration.

Adopted.

Senator Dupont moved to refer **HB 1050**, relative to "junk fax" to Interim Study.

Adopted.

ANNOUNCEMENTS

ENROLLED BILLS

HB 530, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war.

HB 745, relative to the hazardous material transportation advisory board.

HB 1001, increasing agent fees for fish and game licenses.

HB 1004, relative to the tax abatement procedure.

HB 1018, relative to the penalties for bail jumping.

HB 1049, relative to fishing licenses for non-institutionalized developmentally disabled persons.

HB 1075, relative to location of court hearings in abuse or neglect cases.

HB 1100, relative to the time for submitting proposed zoning ordinance amendments to the town clerk.

HB 1108, establishing a committee to study child care in public and private sector buildings.

HB 1208, reducing certain misdemeanors to violations.

HB 1262, relative to recording of ancient plats.

HB 1270, relative to the enforcement of the hazardous waste laws.

HB 1282, relative to licensing of nondepository first mortgage bankers and brokers.

HB 1295, appropriating oil overcharge funds.

HB 1316, relative to the uniform reciprocal enforcement of support act.

SB 314, relative to the New Hampshire energy authority.

SB 332, relative to electing zoning board of adjustment members.

SB 334, allowing the town of Ellsworth to establish a school district.

Senator Currier for the Committee

Adopted.

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Tuesday, March 27, 1990 at 1:00 p.m.

Adopted.

LATE SESSION RECONSIDERATION

Senator McLane moved reconsideration on **HB 1258**, establishing a New Hampshire clean lakes program.

SENATOR MCLANE: This is a bill about establishing a New Hampshire clean lakes program which we passed earlier today. There was an amendment that was put forth and has been voted on by the committee that we forgot, and I would like to add it at this time on third reading.

Adopted.

Senator McLane offered a floor amendment.

SENATOR MCLANE: In essence, it's a very important part of a bill that we killed in this session today, and but there was one part of it that was important. The rest of it was controversial and this was not as controversial is perhaps a more accurate way of saying it. This calls on the Division of Environmental Services to set standards having to do with clean lakes. There are some tough words like eutrophication, and morphology, but I think that what they will be doing is writing very complicated standards for lake water, standards which shall be submitted in the next session.

Floor Amendment to HB 1258-FN

Amend the bill by replacing all after section 5 with the following:

6 Surface Water Standards. The department of environmental services shall prepare a set of standards relative to water quality that can serve as a measurable guide for preserving New Hampshire's lakes and ponds. Such standards shall include parameters relevant to the use classifications pursuant to RSA 485-A:8 and acceptable limits of eutrophication and shall provide for the consideration of existing lake and pond conditions, watershed characteristics, and morphology on a particular lake or pond. The standards shall be submitted to the governor, the senate president, and the speaker of the house in the form of suggested legislation prior to December 1, 1991.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

RECONSIDERATION

Senator Bartlett moved reconsideration on **HB 1410**.

Motion failed.

Senator Roberge moved reconsideration on **HB 1426**.

Motion failed.

Third Reading and Final Passage

HB 1029, relative to the sale of venison by licensed propagators.

HB 1068, relative to the regulation of agricultural, vegetable flower, tree and shrub seeds.

HB 1354-FN, relative to Boat Registrations.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services.

HB 1069-FN, relative to the dig-safe law.

HB 1299-FN, relative to enhanced sentences for "hate crimes".

HB 1426-FN, relative to Surrogacy.

HB 1013, reviving the charters of the New Hampshire Karting Association and Loctite Luminescent Systems, Inc. and relating to powers of the New Hampshire Historical Society.

HB 1054, relative to memorials for veterans and relative to the real estate exemption for surviving spouses of veterans.

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system.

HB 1169-FN, establishing a committee to study drug and alcohol testing in the workplace.

HB 1261-FN, relative to data collection from ambulatory care facilities.

HB 1353-FN, relative to the oversight committee on health and human services and relative to licensors of certain food service establishments.

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements.

HB 1315, relative to child support guidelines and to guardians ad litem appointed in marital cases.

HB 1158, relative to protecting the United States flag from desecration when it is properly displayed on public or private property.

HB 1441, relative to medicaid fraud

HB 1083, establishing speed limits for the operation of OHRVs

HB 1258-FN, establishing a New Hampshire clean lakes program.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

March 27, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, the hue and cry of many places as well as New Hampshire is money!

Where is the money? Over spending when times were good! You cannot have your cake and eat it too!

Bless Us Lord, and help us to overcome this situation.

Amen

Senator Hough led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives, under suspension of Joint Rule 6-f (final action on re-referred bills by the originating body), has passed the following Bill with the following title, in the passage of which it asks the concurrence of the Senate:

HB 381-FN, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs.

SUSPENSION OF THE RULES

Senator Hough moved that the Joint Rules be suspended to allow introduction of a bill after the deadline.

SENATOR HOUGH: So we are in the proper procedure to handle a message from the House, I have moved for the joint rules to be suspended so as to allow for the introduction of this bill and I would urge you to vote no on my motion. We have a situation here and I think we should be very conscious of the fact that we are now moving into the waning days of session and there will be attempts by our colleagues on the other side of the wall to engage us in intrigue, if you will, in regards to the parliamentary process. This was a House rereferred bill in the last session. We have a date certain that we have adopted. The date I believe was in late January, early February, it is in your calendar. The House failed to act. They acted the last day before the February break on a rereferred bill after their

deadline. Now they are attempting to force us to suspend joint rules to act on a piece of legislation that they passed in violation of their own calendar. I would urge you to vote no on the suspension of the rules on this piece of legislation.

SENATOR DISNARD: I strongly disagree with my friend from Lebanon, Senator Hough. That was a month ago. It was not yesterday that the House over voted on this. We are talking about mandates, we are talking about helping citizens with taxes. I think we at least owe it to them to discuss this bill.

SENATOR KING: I am going to vote in favor for this bill. I would like to take just one quick moment to say why our communities are having a very difficult time dealing with administrative rules that come down in the form of mandates that they have to pay for. Other than New York State, New Hampshire is the most heavily regulated in terms of educational rules that are promulgated by the Department of Education. I think that a lot of communities expected that when we pass the constitutional provision that said that we would not mandate the new cost to communities without providing the funds for them they expected that would cover administrative rules as well. We should either not have administrative rules or we should be willing to fund them.

SENATOR BLAISDELL: I rise in support of the motion by Senator Hough. Talk about mandates back to the cities and towns and we talk about a lot of things. The House had plenty of time to send things over to us to talk about the effect of the tax structure of the State of New Hampshire and other issues concerning the property tax burden back to the cities and towns. This is what it is all about, so I support Senator Hough's motion. I will vote no.

SENATOR DUPONT: We have had a little dialogue here today about the content of this bill, and I rise, not to speak about the content, but a little bit about the process. We all know that the process at times gets very difficult as it involves both these bodies. And the only thing that allows things to proceed here on orderly basis is the fact that we do have rules and we do have deadlines that we ask both bodies to comply with. This piece of legislation should have been acted on in the House by February 1, 1990. In fact, they waited two full weeks before they took action on it. While I agree with the comments that some speakers made about the issue of mandates, the fact of the matter is if it was so important to the House, they should have gotten it out under the deadline. So I urge my colleagues not allow this bill into the Senate. There was sufficient time for them to

deal with it. They chose not to. We abide by our own rules and our adopted deadlines and there is no reason why we should allow this one in today.

HB 381-FN, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs.

Division Vote:

3 Yeas

21 Nays.

Motion failed.

Senators King and Currier wished to be recorded as in favor of the Suspension of Rules.

NOTICE OF RECONSIDERATION

Senator Bartlett served notice of reconsideration on **HB 1083**, establishing speed limits for operation of OHRVs and increasing OHRV registration fees.

Recess.

Out of Recess.

Senator Freese in the Chair.

COMMITTEE REPORTS

HB 409-FN, relative to licensing professional foresters.

Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This is an important bill. It's an important bill for foresters and it's important for those people who use their services. Thirteen other states have licensing for foresters and the forestry organization has requested this bill. The use of foresters with the current use legislation is on the increase and certain people have been victimized by foresters. We heard testimony from people to this effect. The only recourse now for a land owner is the courts, if they feel that they have not received the proper service from a forester. This sets up a forestry board. It is connected with a joint board and it sets up a board consisting of five foresters and two others and this would be under the joint board. The bill calls for education requirements, but in a sense it grandfatheres those foresters who have had their education and have had their experience. Those foresters would be grandfathered in under this bill. There will be amendment that cures a correction. It was a mechanical correction but we thought it was best to do it at this time.

SENATOR KING: Senator McLane, you said in a sense this bill grandfathers for those people currently practicing forestry. Could you expand on that, explain what you mean by in a sense?

SENATOR MCLANE: What it says is that the board can pass, it gives power to the board to grandfather them in. They are not automatically grandfathered in. But, if anyone has been practicing forestry with a good reputation and can pass the scrutiny of their colleagues, they would be grandfathered in without an exam or without specific education requirements.

SENATOR KING: So there's no question, if I go back tonight and call the constituent that called me a few weeks ago who has been working in this field for 30 years although he has no college degree. He can walk in the woods tomorrow blindfolded and tell you every species of tree that he comes by. If I go back tonight and call him back up, what I have to tell him is that maybe he will be able to continue to practice and maybe he won't depending on how the board feels?

SENATOR MCLANE: I think you could be more sure than that. My personal assurance would be that the forestry board as picked by the foresters are going to license anyone who has the reputation for being an adequate forester. We did not automatically grandfather them, because there is no way you could say who is a forester and who isn't. And this is the problem that you have, people hanging out a shingle who are not foresters. That's one of the things that this bill is going to prevent and so what we have done is set up a mechanism for him to get approved.

SENATOR KING: Senator McLane, how do you think this will effect the cost of service to consumers?

SENATOR MCLANE: I don't think that it will increase it, but I think that it is, in a sense, insurance, because consumers now don't know who to turn to and ask who is a qualified forester. They don't have any recourse if they have a problem with a forester. By licensing them I believe that you are going to really help the consumer.

SENATOR NELSON: Senator McLane, on page 5 of the bill would that be where they are going to set out the requirements that Senator King is asking about under rule making authority, and under the rule making authority wouldn't it be possible to include what you have referred to? Is that a possibility?

SENATOR MCLANE: I would assume, seeing that the legislation is written that way, that would be included under the rules.

SENATOR BOND: I just want to address a couple questions that Senator Heath made. One of them was this was not any expense to the consumer. A forester is paid as a real estate broker, a percentage of the yield on the wood lot that is being cut. You do not have to have a forester supervise the cut (tape inaudible)

Amendment to HB 409-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Chapter Heading; Foresters Included. Amend the chapter heading of RSA 310-A to read as follows:

ENGINEERS, ARCHITECTS, LAND SURVEYORS, [AND] NATURAL SCIENTISTS, AND FORESTERS

2 Adding Foresters. Amend RSA 310-A:1 to read as follows:

310-A:1 Joint Board Established. There shall be a joint board of engineers, architects, land surveyors, **foresters**, and natural scientists, consisting of each of the members of the board of engineers, board of architects, state board of licensure for land surveyors, **forester's board**, and the board of natural scientists. The joint board shall meet at least quarterly to carry out its duties established under this chapter.

3 Adding Foresters. Amend RSA 310-A:97 to read as follows:

310-A:97 Title. This chapter shall be cited as the "New Hampshire Joint Board of Licensure for Engineers, Architects, Land Surveyors [and] Natural Scientists, **and Foresters.**"

4 Purpose. The general court finds that there is strong public interest in the management and treatment of the forest resources and timberlands of this state. The purpose of this subdivision is to protect that public interest by providing for the regulation of persons who practice the profession of forestry and those whose activities have an impact on the production and yield of natural resources including timber, water, wildlife, and recreation to meet the needs of the people of New Hampshire.

5 New Subdivision; Licensing Foresters. Amend RSA 310-A by inserting after section 97 the following new subdivision:

Licensing Foresters

310-A:98 General Provisions.

I. It shall be unlawful for any person to practice or offer to practice in this state, the profession of forestry, as defined in this subdivision, or to use in connection with a name or otherwise assume, use, or advertise any title or description tending to convey the impres-

sion that such person is a forester, unless such person has been duly licensed or is exempt from licensing under the provisions of this subdivision.

II. Nothing in this subdivision, however, shall be construed as requiring any person, firm, partnership, company, corporation, state university, department or agency of any branch of the government to be licensed pursuant to this subdivision in order to practice forestry on their own lands.

III. Nothing in this subdivision shall be construed as requiring any person to be licensed pursuant to this subdivision in order to carry out forest practices as an employee of a licensed forester and acting under the direct supervision of such licensed forester.

310-A:99 Definitions. As used in this chapter:

II. "Forester" means a person who practices forestry and is licensed under this subdivision, or a person specifically exempted from licensure under RSA 310-A:98.

III. "Forestry" means the science of silviculture and the practice and art of managing and using for human benefit forestlands and the natural resources that occur in association with forestlands, including trees, other plants, animals, soil, water, and related air and climate.

IV. "Practice of forestry" includes, but is not limited to, services related to a wooded area, with or without compensation, such as consultation, investigation, evaluation, the development of management plans, timber appraisal and the responsibility for the supervision of silviculture, utilization, protection and other forest-related activities, consistent with all state laws applicable to the harvesting and transport of forest products.

310-A:100 Forester's Board.

I. There is established a state board of licensing for foresters to minister the provisions of this subdivision. The board shall consist of 7 persons, 4 of whom shall be foresters as defined in RSA 310-A:99, II, and 3 of whom shall be members of the general public. Of the forester members, one shall be an industrial forester, one shall be a private forester, and one shall be a forester from the public sector. The public members shall be persons who are not, and never have been, members of the forestry profession, as defined in this subdivision, nor relatives of such a person, and who do not have and never have had a material financial interest in either the provision of forestry services, or in an activity directly related to forestry. Two of the public members shall be forest landowners actively engaged in forest management, but not otherwise connected with the forestry profession. The director, division of forest and lands, shall be a member of the board.

II. Each member of the board shall be a United States citizen, and shall have been a resident of this state for at least 5 years prior to appointment. Each forestry representative shall have actively practiced the profession of forestry for at least 6 years prior to appointment, 2 years of which must have been in a responsible position in charge of such work. Teaching of forestry at a recognized college or university shall be considered qualifying experience.

III. Board members shall be appointed by the governor and council. Initial terms shall be as follows: 2 members for 5 years; 2 members for 4 years; one member for 3 years; one member for 2 years; and one member for one year. Thereafter, all terms shall be for a period of 5 years.

IV. Members of the board shall be reimbursed for mileage at the state employee rate for travel necessary to carry out the provisions of this subdivision.

V. A quorum shall consist of 4 members.

VI. The board shall adopt an official seal. The board shall keep a true record of its proceedings and a register of applications. Such register shall show the name, age, residence, and business address of each applicant, the date of application, the applicant's education and other qualifications, whether or not an examination was required, whether an applicant was accepted or rejected and reasons for rejection if applicable, date of board action, and such other information as the board deems necessary. On or before December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board. During February of each even-numbered year, the secretary of the board shall publish a roster listing the names and places of business of all foresters licensed under this subdivision by the board. Copies of this roster shall be mailed to each licensed forester upon request, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board.

310-A:101 Procedures. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. The board shall have the power to subpoena witnesses and compel, by subpoena duces tecum, the production of books, papers, and documents in its investigation of complaints under this subdivision. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. Such subpoenas issued by the board shall have the same effect as though issued for appearance before the superior court.

310-A:102 Rulemaking. Pursuant to RSA 541-A, the board shall make rules reasonably necessary for the proper performance of its duties and the conduct of the proceedings brought before it, so long as such rules do not conflict with the constitution and laws of the state of New Hampshire. Such rulemaking authority includes, but is not limited to:

I. Application procedures for obtaining a license under this subdivision.

II. Qualifications of applicants in addition to those requirements already set forth, including satisfactory evidence of good professional character.

III. Examination procedures, including time and place of examination.

IV. Renewal procedures, including requirements for continuing education.

V. Establishment of fees to cover the costs of administering this subdivision.

VI. Ethical and professional standards to be met by each license holder under this subdivision and the manner in which disciplinary actions by the board shall be implemented for violations of these standards.

310-A:103 Disclosure. To ensure compliance with ethical standards established by the board, under RSA 310-A:102, VI, when dealing with the public, foresters shall:

I. Identify clearly themselves, their employer, and in whose interest they are working.

II. Disclose fully any financial or purchase interest they or their employer may have in the land or timber which they are working.

III. Disclose fully all direct or indirect costs or obligations of services provided, including hourly or daily rates and commissions, as well as exclusive contracts to sell forest products to certain individuals or firms.

IV. Provide complete services requested by landowners or disclose clearly that such services cannot be provided.

310-A:104 Qualifications for License. Applicants for licensure as foresters shall qualify under one of the following categories:

I. Possession of a 4-year forestry degree and 2 years experience of a nature satisfactory to the board. The board may require an applicant to pass an oral or written examination, or otherwise meet the approval of the board.

II. Possession of a 2-year forestry degree and 4 years experience of a nature satisfactory to the board. The board may require an applicant to pass an oral or written examination.

III. Possession of a 4-year degree in a related field and 4 years experience of a nature satisfactory to the board. The board may require an applicant to pass an oral or written examination.

IV. Possession of a 2-year degree in a related field and 6 years experience of a nature satisfactory to the board. The board may require an applicant to pass an oral or written examination.

310-A:105 Applications; Fees. Applications for licensing shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of his technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be foresters having personal or professional knowledge of his forestry experience. The fee for a license as a forester shall be fixed by the board. One-half of the fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within 30 days after being notified by registered mail that his application has been accepted, the applicant shall forfeit the right to have a license so issued and said applicant may be required to again submit an original application and pay an original fee on such application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

310-A:106 Examination, Re-examination, Fee. Written and oral examinations shall be at such time and place as the board may determine. The methods and procedure shall be prescribed by the board. A candidate failing an examination may apply for re-examination at the expiration of 6 months and shall be entitled to one re-examination without payment of an additional fee. Subsequent re-examinations may be granted upon payment of a fee to be fixed by the board.

310-A:107 Issuance of License; Endorsement of Documents. The board shall issue a license upon payment of the fee as provided in this subdivision to any applicant, who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee, shall have a serial number, and shall be signed by the chairman and secretary under the seal of the board. The issuance of a license by the board shall be evidence that the person named in the license is entitled to all rights and privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps, and reports issued by the licensee shall be endorsed with his name and license number during the life of the license. It shall be a misdemeanor for anyone to endorse any document with such name and license number after the license of the named licensee has expired or has been revoked, unless said

license has been renewed or reissued. It shall be a misdemeanor for any licensed forester to endorse any plan, map or report unless he shall have actually prepared such plan, map or report, or shall have been in the actual charge of the preparation of the same.

310-A:108 Expiration. All licenses shall expire at 12:01 a.m. on January 1, biennially.

310-A:109 License Renewal. Licenses may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The secretary shall notify each forester one month prior to expiration of his certificate. The applicant shall submit proof of completion of 20 hours of continuing education approved by the board at the time of license renewal, together with a record of any legal action brought against the applicant for his services as a forester.

310-A:110 Failure to Renew. Failure to remit the biennial renewal fee when due or failure to submit proof of required continuing education shall automatically cancel the license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause. A person whose license is cancelled for such failure may reinstate his license by paying, within one year of cancellation, all fees due, plus a late fee as established by the board, provided continuing education requirements have been met.

310-A:111 Reciprocity. Reciprocity shall be granted to foresters from states whose requirements, in the judgment of the board, are comparable to the requirements of this subdivision.

310-A:112 Disciplinary Action.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II, and which specifies the grounds for such complaint.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) The practice of fraud or deceit in procuring or attempting to procure a license to practice under this subdivision.

(b) Conviction of a felony or any offense involving moral turpitude.

(c) Any unprofessional conduct, or conduct unworthy of, and affecting the practice of forestry.

(d) Unfitness or incompetency by reason of negligent habits or other causes; or negligent or willful acts performed in a manner inconsistent with the interests of persons relying on the professional expertise of the forester.

(e) Mental or physical incompetency to practice under this subdivision.

(f) Willful or repeated violation of the provisions of this subdivision.

(g) Suspension or revocation of a license, issued in another jurisdiction and similar to one issued under this subdivision, which was not reinstated.

III. The board may take disciplinary action in any one or more of the following ways and notice of such action shall be provided to newspapers of general circulation in the area in which the licensee practices:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a license for a period of up to 5 years.

(c) By revocation of a license.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which he has been found deficient.

310-A:113 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to a hearing, all parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 3 months of the date of notice of a complaint received by the licensee, unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

310-A:114 Violations; Penalty. Any person who practices or offers to practice forestry in this state for others without a license in accordance with this subdivision, or any person presenting or attempting to use the license or seal of another, or any person who gives any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who falsely impersonates any other licensed forester, or any person who attempts to use an expired or nonexistent or revoked license, or any person who violates any of the provisions of this subdivision, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

310-A:115 Restraint of Violations. The superior court shall have jurisdiction in equity to restrain violations of this subdivision on pro-

ceedings brought by the attorney general, the board, or any society of licensed foresters duly incorporated under the laws of this state.

310-A:116 Administrative Costs. The fees established by the board under this subdivision shall be sufficient to produce estimated revenues equal to 125 percent of the estimated direct operating expenses of the board pursuant to RSA 332-G:2.

310-A:117 Real Estate Broker or Appraiser Credentials Not Necessary. Notwithstanding any other provision of law, foresters licensed under this subdivision shall not be required to be licensed, certified, or registered under RSA 331-A or as real estate appraisers.

3 Minimum Educational Requirement. For a period of one year from the effective date of this act, there shall be no minimum educational requirement for licensure as a forester for applicants who have 8 years of experience within the last 10 years of a nature satisfactory to the board. The applicant may be required to pass an oral or written exam, or otherwise meet the approval of the board.

4 Prospective Repeal. RSA 310-A:98-117, relative to licensing foresters, is repealed.

5 Effective Date.

I. Section 4 of this act shall take effect September 30, 1996.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted.

Senator McLane offered a floor amendment.

SENATOR MCLANE: You have before you the floor amendment. The first number one of that section had the phrase "or otherwise meet the approval of the board" but it was not added to sections 2, 3, and 4. This amendment would do that. As I said, it could almost be considered a drafting mistake but we want to make it very clear that people who are foresters in good repute and could have the approval of the board might have some exception to their education requirements or to the fact that they must take a oral or written exam.

Floor Amendment to HB 409-FN

Amend RSA 310-A:104, II, III and IV as inserted by section 5 of the bill by replacing them with the following:

II. Possession of a 2-year forestry degree and 4 years experience of a nature satisfactory to the board. The board may require an applicant to pass an oral or written examination, or otherwise meet the approval of the board.

III. Possession of a 4-year degree in a related field and 4 years experience of a nature satisfactory to the board. The board may re-

quire an applicant to pass an oral or written examination, or otherwise meet the approval of the board.

IV. Possession of a 2-year degree in a related field and 6 years experience of a nature satisfactory to the board. The board may require an applicant to pass an oral or written examination, or otherwise meet the approval of the board.

Amendment adopted. Ordered to Third Reading.

HB 442-FN-A, establishing a Lakes Management and Protection Program.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: (tape in audible).

Amendment to HB 442-FN-A

Amend RSA 483-A:5 as inserted by section 2 of the bill by deleting paragraph II and renumbering paragraph III to read as paragraph II.

Amend RSA 483-A:6, II as inserted by section 2 of the bill by inserting after subparagraph (i) the following new subparagraphs:

(j) A member of the New Hampshire Association of Realtors.

(k) A member of a planning board appointed by the New Hampshire Municipal Association.

(l) A member representing the Business and Industry Association of New Hampshire.

Amend RSA 483-A:6, IV and V as inserted by section 2 of the bill by replacing them with the following:

IV. The terms of state agency members shall be the same as their terms in office. Voting members shall serve 3-year terms, provided, however, that for the initial appointment, persons appointed under subparagraphs:

(a) (a) through (d) shall be appointed for one year;

(b) (e) through (h) shall be appointed for 2 years; and

(c) (i) through (l) shall be appointed for 3 years.

V. The commissioner shall convene the first meeting no later than September 1, 1990. The committee shall elect a chairperson and vice-chairperson, who shall serve for 3-year terms. Subsequent meetings shall be at the call of the chair, or at the request of 3 or more committee members. The lakes coordinator referred to in RSA 483-A:4 shall serve as secretary and staff to the committee.

Amendment adopted. Ordered to Third Reading.

HB 723-FN, regarding the acid rain control act.

Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CURRIER: The amendment to the HB 723-FN is on page 9 in the calendar, and the amendment is, basically, changing the baseline average of emission rate means in terms of a definition. The bill changes the approach used to reduce the state wide sulfuric dioxide emissions by 25 percent as required by current law by substituting emission rate limit from tonage caps for smaller facilities. The bill retains the overall 25 percent emission reduction and the approach in the current law for the smaller facilities that reach 95 percent of the maximum levels established and the bill requires that the Department of Environmental Services review the annual emissions for this group and conduct a study and to report to the Governor or Legislature in terms of preventing the emissions limit from being exceeded.

Amendment to HB 723-FN

Amend RSA 125-D:2, VIII as inserted by section 4 of the bill by replacing it with the following:

VIII. "Baseline average emission rate" means the weighted average on a BTU input basis of the emissions rates of a specified group of major sources over the period 1979 through 1982.

Amendment adopted. Ordered to Third Reading.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the Town of Grafton.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: (Tape in Audible).

SENATOR DISNARD: Senator Bond, last week or the week before we voted on a bill for Lake Katherine, and the same thing was explained I think at that time. It was only going to allow battery operated motors. Now this seems to be in conflict with that. Which law would proceed or take precedent.

SENATOR BOND: Senator Disnard, that's a very good question. The bill that you referred to involved Elbow Pond, in the town of Andover; and went to the Transportation committee. The Dev. Rec. has no knowledge of that. Senator King and I have been trying to straighten out the confusion. As it stands, I understand that the Elbow Pond amendment is being rejected by the House. Why the sponsor who requested this of us did it twice I don't know. We found merit in his request in Dev. Rec. and amended the bill that way.

SENATOR DISNARD: For my information so I can learn, if the committee or the House should accept the Elbow Pond which is Lake Catherine in Piermont and the difference from this what would happen?

SENATOR BOND: The bill which has the latest effective date and signed by the Governor, would be the one that would prevail.

SENATOR DISNARD: Thank you.

Amendment to HB 1015

Amend the title of the bill by replacing it with the following:

AN ACT

prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton and limiting the horsepower of petroleum-powered motors on Lake Katherine in the town of Piermont.

Amend RSA 270 as inserted by section 1 of the bill by inserting after section 120 the following new section:

270:121 Lake Katherine. No person shall use or operate any boat equipped with a petroleum-power motor in excess of 5 horsepower on Lake Katherine in the town of Piermont. There shall be no limitation on the horsepower of electric motors operating on said lake. Whoever violates this section shall be guilty of a violation.

AMENDED ANALYSIS

This bill prohibits the use of petroleum-power motors on Tewksbury Pond in the town of Grafton, except for emergency use by aircraft or helicopters equipped with floats.

The bill prohibits the use of petroleum-power motors in excess of 5 horsepower on Lake Katherine in the town of Piermont. No limitation on the horsepower of electric motors applies.

Amendment adopted. Ordered to Third Reading.

HB 1026, relative to the definition of public access to public waters.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill codifies what has been in practice as far as the court. The committee has learned the definition of access to public waters and the amendment on page 10, directs the Department of Environmental Services to prepare, maintain, and annually published an official list of all public waters in this State that are accessible to the public, so we have in fact knowledge of what bodies of water you can get to.

Amendment to HB 1026

Amend RSA 271:20-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Public access to public waters means legal passage to any of the public waters of the state by way of designated contiguous land owned or controlled by a state agency, assuring that all members of the public shall have access to and use of the public waters for recreational purposes.

Amend the bill by replacing section 2 with the following:

2 State Jurisdiction Over Public Waters; Annual List. Amend RSA 271:20 to read as follows:

271:20 [Area] **State Water Jurisdiction; Annual List of Public Waters; Rulemaking.**

I. All natural bodies of fresh water **situated entirely in the state** having an area of 10 acres or more are **state-owned** public waters, and are held in trust by the state for public use; and no corporation or individual shall have or exercise in any such body of water any rights or privileges not common to all citizens of this state; **provided, however, the state retains its existing jurisdiction over those bodies of water located on the borders of the state over which it has exercised such jurisdiction.**

II. The department of environmental services shall prepare, maintain and annually publish an official list of all public waters in the state that are accessible to the public. The commissioner of the department of environmental services shall adopt rules, pursuant to RSA 541-A, relative to this publication.

AMENDED ANALYSIS

This bill defines public access to public waters. The bill also clarifies state jurisdiction over public waters.

The bill requires the commissioner of the department of environmental services to publish annually a list of all state public waters.

Amendment adopted. Ordered to Third Reading.

HB 1052, authorizing withdrawal of water from Lake Sunapee and Echo Lake for the ski resorts.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill was filed at the request of the Department of Resources and Economic Development to make sure that the State, in accord with the public trust doctrine, which we are insisting all people observe, apply also to state ski areas. The

amendment, which is on pages 10 and 11, simply makes consistent the language between this bill and the Loon Mountain bill which we dealt with earlier and another bill to do with Gunstock Ski Area, to make sure we treat the language the same way the public trust.

SENATOR DISNARD: Would you agree, Senator Bond, that withdrawing water in the winter from Lake Sunapee, wouldn't have a devastating affect because there is a large flow out of the lake during the winter anyway?

SENATOR BOND: I would, Senator Disnard. And the Department of Environmental Services would be able to put a stop to this if all the ice fell in.

Amendment to HB 1052

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a public trust grant for Mount Sunapee and
Cannon Mountain ski resorts' snowmaking.

Amend the bill by replacing all after the enacting clause with the following:

1 Mount Sunapee and Cannon Mountain Ski Resorts. Consistent with the best interests of the public as a whole and with state ownership or stewardship over such water bodies, the department of resources and economic development is authorized to take water for purposes of implementing a system of snowmaking and other activities incidental to present use and potential expansion of ski area operations of Mount Sunapee and Cannon Mountain, from Lake Sunapee, situated in part in the town of p, and from Echo Lake, situated in the town of Franconia subject to all applicable conditions and limitations incorporated in any permit issued by or agreements with the United States government or any agency thereof, the state of New Hampshire, or the towns of P or Franconia. If the department of environmental services determines that a cessation, reduction or other modification of such withdrawal is necessary for the preservation of environmental quality, protection of water quality, regulation of water quantity, or protection of habitat, the department of resources and economic development shall, pursuant to written notice and order, cease, reduce or modify its withdrawal as directed, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department of environmental services and a decision is made to extend such order. The department of environmental services shall adopt rules un-

der RSA 541-A establishing criteria and procedures for issuing such orders for such special hearings and for making such decisions. If the water withdrawals authorized in this act for the potential expansion of ski area operations of Mount Sunapee and Cannon Mountain ski resorts have not commenced within 15 years of the effective date of this act, such authorization shall expire.

2 Private Right. This act shall not affect any private right in Lake Sunapee or Echo Lake and shall not relieve the department of resources and economic development from compliance with laws or regulations under the state's police power.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to Third Reading.

HB 1122-FN, establishing a study committee on the best use of the Kona Wildlife Area in the Town of Moultonborough.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill sets up a study committee to study the highest and best use, regarding the Kona Wildlife Area in the Town of Moultonborough. The original bill utilizes the words feasibility of developing and promoting. I am not as familiar with this particular situation as others might be, but it is my understanding that this wildlife preserve represents one of the last major stretches of undeveloped coast on Lake Winnepesaukee. The state and other interest have wanted to study the possibility for allowing for some sort of access to the lake through the Wildlife Preserve. This is not an easy issue. There are a lot of different interests involved. So it was felt that a balanced committee made up with most of the people who would be in the business should study this issue and come back to us at a later time and determine what possible solution we have to this particular problem.

SENATOR HEATH: I rise in opposition to the passage of this legislation. This Wildlife Area is in my district. It is entirely inappropriate to make it a park or place a lot of traffic will come through. There are enormous problems to the entrance of it without considerable improvement of highways. This is a set aside piece of land, and represents perhaps the only fully undeveloped strip that comes down a good portion of the watershed of Winnepesaukee that is totally untouched. It has an estuary that's pretty significant. It has no beach, it has swamps, and important aquatic features as well as land features. And I think we should leave it alone as you will witness for the rest of the lake that has been heavily developed. We can see in this one single area on Winnepesaukee which does not have the ac-

cess problem that the other lakes do, what undeveloped, unspoiled lakeside property looks like. If you have seen what has happened to Winnepesaukee in recent years, you would know this is our last opportunity to do this kind of a thing and it would be nice if you could have access to some of these others places. This is not an area that has a difficult access. Moultonborough has access, Center Harbor has access, there is public access to that end of the lake and I would urge you to put aside this. I believe the question is prejudiced by highest and best use. The highest and best use is the use it is under now and that is low intensity and enjoyment of wildlife and unspoiled environmental features that lay against Lake Winnepesaukee at a time when there are pressures to build on every square inch of shore side as on back land on Winnepesaukee and I would urge you strongly to defeat this bill and leave that piece for the future enjoyment for all the people who come beyond us.

SENATOR MCLANE: Senator Heath, would it surprise you to know that there were many on the committee that agreed with your assessment of the proper and best use of Kona Wildlife Park, but they felt because of the pressure constantly to review this issue that it might be well to have a study which could finally lay that question to rest and that was part of thinking of the committee in putting this to study. Does that surprise you?

SENATOR HEATH: Senator McLane, it surprises me that someone as sophisticated in what happens down here as you are would suggest that forming a committee to ask a question will put anything to rest. I think the way you put it to rest is to answer the question here and now. That one strip of land that is against Winnepesaukee has no future in development. That at least one example, if not the last example, of undeveloped lakeside property be left. That's the way to put it to rest!

SENATOR MCLANE: Senator Heath, one of the problems that came out in the testimony is the excessive rafting and use of the land out in front of the Kona Wildlife Park, which is apparently very shallow. How would you suggest, other than through a study committee, that the State deal with that issue having to do with trash and pollution and noise as brought by the neighbors around?

SENATOR HEATH: Senator McLane, this last summer I went out there and saw the problem and let me go back further. Years ago, Senator Freese and I worked on legislation to control rafting. Three specific spots allowed for the application for different areas to come in and ask for controls on rafting and we went out and looked at it and there were two floating restaurants floating around selling un-

cooked hamburgers and God knows what else and including Pina Coladas and now the Hawaiian theme. The Department of Safety held a hearing and they granted those controls on rafting and that as far as I know resolved, to the extent of our rafting laws which could be tightened, so far as it applies. I have not heard further complaints. I think that probably has been solved and it was a problem.

SENATOR JOHNSON: Senator Heath, looking at the title of this act here. Establishing a study committee on the best use of the Kona Wildlife Area, isn't that almost a conflict in terms by itself, the idea we could come up with a better and higher use of a Wildlife Area.

SENATOR HEATH: I am inclined to agree with you.

SENATOR JOHNSON: Senator Heath, given what Senator McLane said about members of the committee already predisposed to leaving this issue as a Wildlife area, isn't the likely outcome of this study committee a magnificent grasp of the obvious.

SENATOR HEATH: I think that is the best possibility of the outcome of that committee should that committee form.

SENATOR BOND: I am sorry, too, that Senator Heath believes that the committee was naive in its decision on this bill. I think you find that everyone in the committee completely agreed with him that it should not be spoiled and everything that was described to us, the testimony from abutters, the testimony that people tried to use the roads to get out of Route 25 from that area. The bill, you will note as it came to us, said there is to establish a committee to review the feasibility for the developing and promoting the Kona Wildlife Area in the town of Moultonborough. We felt that was not the intent of this bill in the minds of the sponsors and so therefore we amended it to say there is a committee to establish a committee to study and review the highest and best use of the Kona Wildlife Area in the town of Moultonborough. Everything we heard would justify that it stay as it is, but to settle the issue so it doesn't keep coming up and unnerving the abutters. We understand there is a million dollar house on the side of that piece of property. In order to settle the issue it was the agreement of the committee by having a committee to look at the highest and best use of a swampy area with no beach and poor road access that this was the way to put the whole issue to rest.

SENATOR HEATH: Senator Bond, would you believe that I do not believe that your committee is naive, but I believe that the concept of the raising the question to put the question at rest is naive.

Amendment to HB 1122-FN

Amend paragraph I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a committee to study and review the highest and best use of the Kona Wildlife Area in the town of Moultonborough.

Amendment adopted. Ordered to Third Reading.

Senators Heath, Johnson and Nelson wished to be recorded as opposed to the motion.

HB 1150-FN, relative to the Oil Pollution Control Fund.

Ought To Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: After the Exxon Valdeze disaster, Governor Gregg had asked a special committee to look over our own emergency response for dealing with oil spills and come up with some recommendations for improvement for these plans. There were several recommendations, two of them have been implemented in this bill. One was to increase the total amount of the fund to deal with the oil spills and you will notice that the cap has been increased to 2.75 million to 5 million dollars. Another change is in the amendment which will allow hiring of additional personnel, particularly on the coast, to deal with a matter of oil spills and dealing with catastrophies. The money for this additional personnel will come from the fund. At the present time, there is 1.3 million dollars in the fund, so you see even changing the cap is not going to have an immediate effect, but the cost of cleanup is so expensive that 5 million dollars is certainly more realistic than the 2.75 million.

Amendment to HB 1150-FN

Amend RSA 146-A:11-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established the New Hampshire oil pollution control fund. This nonlapsing, revolving fund shall, **at a minimum**, pay the salaries and expenses of the persons specified in RSA 146-A:11, except the civil engineer IV and one environmentalist III, as well as the costs to implement the provisions of RSA 146-A which include but are not limited to **the salaries and expenses of additional personnel to the extent that such salaries and expenses are incurred in implementing the provisions of this chapter, and the other** costs of removal or corrective measures deemed necessary by

the division of water supply and pollution control as a result of an actual or potential oil discharge into or onto the surface or groundwaters of the state. Moneys from the fund shall be used to mitigate the adverse effects of leaking underground storage tanks including, but not limited to, provision of emergency water supplies to persons affected by such pollution, and, where necessary as determined by the department of environmental services, the establishment of an acceptable source of potable water to injured third parties. Not [less] **more** than 10 percent of the moneys in the fund shall be allocated annually for research programs dedicated to the development and improvement of preventive and clean-up measures concerning such oil discharges. In the event of an oil discharge, the division of water supply and pollution control may expend, with the approval of governor and council, such additional sums as are necessary to clean up the discharge except that the total amount expended may not exceed the balance in the New Hampshire oil pollution control fund. Income derived from the oil pollution control fund shall only be used for those administrative costs needed to implement RSA 146-A and any other costs cited in this section.

AMENDED ANALYSIS

The bill amends the required level of spending for research of the oil pollution control fund from a minimum of 10 percent of the total fund to a maximum level of 10 per cent of the total fund. The bill increases the cap on the oil pollution control fund from \$2.75 million to \$5 million.

The bill also provides that moneys in the fund are to be used to pay the salaries and expenses of additional personnel which are incurred in implementing the provisions of RSA 146-A.

Amendment adopted. Ordered to Third Reading.

HB 1219-FN, relative to the oil discharge and disposal cleanup fund.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill requires the Commissioner of Safety to file quarterly reports on administrative costs for the oil discharge and disposal cleanup fund and it also requires him to allocate the funds according to the administrative expenses according to the fund that is being administrated. It is sunsetted in two years and it is put in at the request of the board to get the issue of the administrative cost well clarified. On page 16, you find amendment and all that does is clarify a reference to RSA 146:d,a:2 on page 2.

Amendment to HB 1219-FN

Amend paragraph II of section 3 of the bill by replacing it with the following:

II. RSA 146-D:8, II relative to a cost allocation system.

AMENDED ANALYSIS

This bill requires the commissioner of safety to file quarterly reports on administrative costs of the oil discharge and disposal cleanup fund with the oil fund disbursement board.

Certain provisions of the bill are repealed on June 30, 1992.

Amendment adopted. Ordered to Third Reading.

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: First of all the amendment, on Page 16, changes the numbering and rennumbers several of the paragraphs. The bill brings the State, in operation of oil discharge and disposal cleanup fund, into conformity with the federal first dollar liability requirement. In fact, the State will still go back to the property owner for the first dollar but as of right now our language is not the same as federal requirements.

Amendment to HB 1222-FN

Amend the bill by deleting sections 13-15 and renumbering sections 16-18 to read as 13-15, respectively.

AMENDED ANALYSIS

This bill conforms state operation of the oil discharge and disposal cleanup fund with the federal "first dollar" liability for eligible expenses financial responsibility requirement, and adds several definitions and clarifications to the underground storage facilities program.

The bill also amends the provisions for eligible expenses available to owners of underground storage facilities.

Amendment adopted. Ordered to Third Reading.

HB 1309, authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snowmaking.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This permissive legislation to allow the Gunstock Ski Area, which is presently digging up a long distance ditch for a sewer line, to utilize that line for the installation of a water pipe so they may in the future draw water from Lake Winnepesaukee. They do not presently have the intent to do that. That water would be used for snow making. The amendment which is on page 16, simply makes the language in this bill conform to that of the previous bill that we passed concerning Lake Sunapee and Echo lake.

Amendment to HB 1309-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a public trust grant for the Gunstock Area
ski resort's snowmaking.

Amend the bill by replacing all after the enacting clause with the following:

1 Gunstock Area Ski Resort. Consistent with the best interests of the public as a whole and with state ownership or stewardship over such water bodies, the Gunstock Area of Gilford, and its successors and assigns, is authorized to take water for purposes of implementing a system of snowmaking and other activities incidental to present use and potential expansion of ski area operations from Lake Winnepesaukee, partly situated in the town of Gilford, subject to all applicable conditions and limitations incorporated in any permit issued by or agreements with the United States government or any agency thereof, the state of New Hampshire, or the town of Gilford. If the department of environmental services determines that a cessation, reduction or other modification of such withdrawal is necessary for the preservation of environmental quality, protection of water quality, regulation of water quantity, or protection of habitat, the Gunstock Area and its successors and assigns shall, pursuant to written notice and order, cease, reduce or modify its withdrawal as directed, provided that such order shall expire after 10 days unless during such 10-day period a public hearing is held by the department and a decision is made to extend such order. The department shall adopt rules under RSA 541-A establishing criteria and procedures for issuing such orders for such special hearings and for making such decisions. If the water withdrawals authorized by this act for the potential expansion of ski area operations of the Gunstock Area have not commenced within 15 years of the effective date of this act, such authorization shall expire.

2 Private Rights. This act shall not affect any private right in Lake Winnepesaukee and shall not relieve the Gunstock Area of Gilford from compliance with laws or rules under the state's police power.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted. Ordered to Third Reading.

HB 1357, relative to the rulemaking authority of the Commissioner of Environmental Services.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill authorizes the Commissioner of Environmental Services to adopt rules to reorganize the rules of the Department and make certain reference changes in the rules to reflect the Department of Environmental Services reorganization. Several years ago, we pulled together a number of departments and formed the Department of Environmental Services. We wish to make it consistent with other departments such as Highway, Safety, Health and Human Services, the commissioner being responsible for the rule-making process. The amendment, which is on page 18, clarifies language. It makes it clear that this section does not effect the adoption of rules by Wetlands Board or Well Water Board or the State Board for licensing or regulation of Plumbers which still have, under statute, individual rights for rule-making.

SENATOR JOHNSON: Senator Bond, I think you answered it in your last remarks there. Can you assure me Water Well Board has and will retain rule-making authority notwithstanding this legislation?

SENATOR BOND: This legislation will not affect it's authority to make it's own rules and that rule will remain the same until the time in the legislation changes it.

SENATOR DISNARD: This doesn't mean the legislation rules committee will be bypassed?

SENATOR BOND: No sir, this simply means that the commissioner of the department will be the responsible party for making the rules.

Amendment to HB 1357

Amend RSA 21-O:3, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this

chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the specific statutes administered by the department or by any division or unit within the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. Rulemaking authority authorized under this section shall not affect the adoption of rules by the wetlands board, the water well board, or the state board for the licensing and regulation of plumbers.

Amendment adopted. Ordered to Third Reading.

HB 1376-FN-A, relative to a public water rights report and advisory committee.

Ought To Pass With Amendment. Senator Bond for the committee.

Senator Bond moved to have **HB 1376-FN-A** Laid on the Table.

Adopted.

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill requires the Division of the Water Supply and Pollution Control, Department of Environmental Services to give notice to the affected municipalities in which is located at point of discharge, potential discharge, which may endanger health or the environment in adjacent, affected municipalities. When a permit is given or renewed under this bill, any person responsible for a violation of effluent limitations must give immediate notice to all public and private water systems drawing such affected water. The amendment puts the limit on the distance down stream you have to notify people if your effluent goes into the stream for 20 miles. Also, it may be by telephone rather than written notice since the post office may not get the letter until after the effluent has gone by.

Amendment to **HB 1379-FN**

Amend RSA 485-A:13, I(c) as inserted by section 3 of the bill by replacing it with the following:

(c) Any person responsible for a bypass or upset at a wastewater facility shall give immediate notice of the bypass or upset to all public or privately owned water systems drawing water from the same receiving water and located within 20 miles downstream of the point of discharge. The permittee shall maintain a list of persons,

and their telephone numbers, who are to be notified immediately by telephone. In addition, written notification, which shall be post-marked within 3 days of the bypass or upset, shall be sent to such persons.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Magee in the Chair.

HB 1372, relative to interim rules under the administrative procedures act.

Ought To Pass. Senator Stephen for the committee.

SENATOR STEPHEN: HB 1372 is relative to interim rules under the administrative procedures act. This bill was to put into law something that is in law now, but is silent. It was requested by the Division of Public Health. This would attempt to comply with the federal regulations. The committee voted ought to pass.

Adopted. Ordered to Third Reading.

HB 1072-FN, relative to administrative penalties for violations of securities law and to show cause orders issued by the director of the office of securities regulation.

Ought To Pass. Senator Delahunty for the committee.

SENATOR DELAHUNTY: HB 1072-FN is pretty straight reading. The analysis is correct, the bill will give the director of the Office Securities of Regulations a little more flexibility. Right now, the Director can do two things if he thinks there is a problem. He can either do nothing or he can postpone and revoke. With this bill, he can have a hearing under rules established under 541 by issuing a show cause order to find out if he should do nothing or revoke or perhaps administer an administrative penalty. Again, by adding administrative penalties, it gives the director more flexibility as well as the authority in dealing with punishments.

Adopted. Ordered to Third Reading.

HB 1106, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to private and public offerings.

Ought To Pass. Senator Delahunty for the committee.

SENATOR DELAHUNTY: This bill was requested by the Office of Securities Regulations to tighten up and clarify what is already present law, areas that have not been challenged thus far but which they can see as a challenge. It really does not change anything they are already doing at the present time. Present law does not define "or issuer-dealers" even though the term is used. This would define it. It also states that they must send a yearly financial statement to Office of Security Regulations. It also inserts the term issuer-dealers in each section of the RSA where appropriate. Section 7 of the bill changes the word "qualify" to "register" and the fees stay the same. The department thinks the word "register" is stronger than qualify and feels that it needs it. Section 8 of the bill, we were one of the first States of the Union that required a logo on all securities disclaiming any responsibility in the part of the Office of Securities Regulation as to the merits of the offering. There is now a national logo as opposed to the one specifically dealing with New Hampshire and would like our laws to allow either one.

Adopted. Ordered to Third Reading.

HB 1120, relative to notice of insurance cancellation.

Ought To Pass With Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: The amendment is the bill and it is basically pretty straight reading. It sets a time limit and forms to follow if an insurance company is not going to renew a health insurance policy. Thirty days for any individual, 45 days for any group policy holders. The original bill had some incorrect wording and enhanced the amendment. The bill does not deal with cancellation due to non-payment.

Amendment to HB 1120

Amend the bill by replacing all after the enacting clause with the following:

1 Notice of Renewal for Accident and Sickness Policies. Amend RSA 415:6, II(8) to read as follows:

(8) A provision as follows: Cancellation; Refusal to Renew: The insurer may refuse to renew on the policy anniversary date, or may cancel this policy at any time by written notice delivered to the insured, or mailed to his last address as shown by the records of the insurer, stating when, not less than [10] 30 days thereafter, such cancellation or refusal to renew shall be effective; and after the policy has been continued beyond its original term the insured may cancel this policy at any time by written notice delivered or mailed to the

insurer; effective upon receipt or on such later date as may be specified in such notice. **Every insurer shall provide at least 30 days notice of the terms of renewal of the policy to the policyholder.**

In the event of cancellation, the insurer will return promptly the unearned portion of any premium paid. If the insured cancels, the earned premium shall be computed by the use of the short-rate table last filed with the state official having supervision of insurance in the state where the insured resided when the policy was issued. If the insurer cancels, the earned premium shall be computed pro-rata. Cancellation or refusal to renew shall be without prejudice to any claim originating prior to the effective date of the cancellation or refusal to renew. However, such cancellation or refusal to renew, if for reasons other than nonpayment of premium and other than specified in any time limits for certain defenses, shall be effected only if also effected on all policyholders of the same class. No such action shall be taken without prior written approval of the insurance commissioner. The insurer shall have the burden of proof that the classification of risk involved therein is reasonable and nondiscriminatory, pursuant to RSA 415:15.

2 New Section; Cancellation or Non-renewal of Group Insurance Contracts. Amend RSA 415 by inserting after section 18-a the following new section:

415:18-b Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer, except for non-payment of premium, unless the group policyholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the policy, shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insured, at least 30 days prior to the effective date of the cancellation.

3 New Section; Cancellation or Non-renewal of Group Insurance Contracts. Amend RSA 420-A by inserting after section 7-b the following new section:

420-A:7-c Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer, except for non-payment of premium, unless the group policyholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or

non-renewal or offer of renewal shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the policy, shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insured, at least 30 days prior to the effective date of the cancellation.

4 New Section; Cancellation or Non-renewal of Group Insurance Contracts. Amend RSA 420-B by inserting after section 8-b the following new section:

420-B:8-c Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer, except for non-payment of premium, unless the group policyholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the policy, shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insured, at least 30 days prior to the effective date of the cancellation.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires insurers issuing accident and sickness policies or contracts under RSA 415, to give the insured 30 days' notice prior to non-renewal, cancellation, or renewal.

This bill requires group hospital, surgical, medical insurance plans and health maintenance organizations to notify group policyholders 45 days prior to cancelling a group policy and to provide notice of the right to continue coverage.

Amendment adopted.

Senator King offered a floor amendment.

SENATOR KING: You have before you an amendment to this bill. This amendment is a State sponsored credit card that this Senate passed unanimously early in the year and I urge you to vote to add this to this bill.

SENATOR STEPHEN: Senator Delahunt, is there going to be an exorbitant fee charged for this credit card?

SENATOR DELAHUNTY: Is there going to be an exorbitant fee charged, Senator? I can't imagine there being a exorbitant fee charged for the credit card and I really think you ought to ask your constituent as I really don't have a lot to do with it.

SENATOR STEPHEN: Which constituent?

SENATOR DELAHUNTY: Your colleague, I think he can better address the problem for it is his amendment.

SENATOR STEPHEN: I am just interested in the credit cards, I guess it would be deferred to Senator King.

SENATOR KING: Senator Stephen, that question I believe you asked when we passed this through early in session and the answer is still the same no, it is no different then any other credit card.

Floor Amendment to HB 1120

Amend the title of the bill by replacing it with the following:

AN ACT

relative to notice of insurance cancellation and relative
to a state-sponsored credit card program.

Amend the bill by replacing section 5 with the following:

5 New Subdivision; State-Sponsored Credit Card. Amend RSA 21-I by inserting after section 58 the following new subdivision:

State-Sponsored Credit Card

21-I:59 Definitions. In this subdivision:

I. "New Hampshire financial institution" means a state or federally chartered bank, savings and loan association, or credit union located in New Hampshire.

II. "New Hampshire financial institution credit card" means a credit card that entitles the holder to make open-end purchases up to an approved amount and is issued through the agency of a New Hampshire financial institution.

III. "Sponsoring entity" means an entity that solicits the use of a particular New Hampshire financial institution credit card bearing the entity's name in exchange for a fee from the credit card issuer.

21-I:60 State-Sponsored Credit Card; Distribution of Proceeds.

I. The department of administrative services is authorized to participate in a New Hampshire financial institution credit card program for the benefit of the state. Within 180 days of the effective

date of this section, the department shall contact each New Hampshire financial institution to determine if:

(a) The New Hampshire financial institution or its holding company or affiliate currently administers a credit card program;

(b) The credit card program provides a fee or commission on retail sales to the sponsoring entity for the issuance and use of the credit card; and

(c) The credit card program would accept the state as a sponsoring entity.

II. If the department of administrative services determines that the state may be a sponsoring entity for a New Hampshire financial institution credit card, the department shall negotiate the most favorable rate for the state's fee by a credit card issuer. Before entering into a contract with any credit card issuer, the department shall obtain the approval of the fiscal committee. The state shall not offer a more favorable rate to any credit card issuer. The state treasurer shall credit the proceeds of the fee to a special fund. Money in such fund shall be continually appropriated for the sole purpose of funding state aid to education under RSA 198:27-33.

III. The commissioner of administrative services shall adopt rules, pursuant to RSA 541-A, relative to the state's participation in a New Hampshire financial institution credit card program under this subdivision.

6 New Paragraph; Rulemaking Authority. Amend RSA 21-I:14 by inserting after paragraph XIV the following new paragraph:

XV. The administration of the state-sponsored credit card program as provided in RSA 21-I:59-60.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires insurers issuing accident and sickness policies or contracts under RSA 415, to give the insured 30 days' notice prior to non-renewal, cancellation, or renewal.

This bill requires group hospital, surgical, medical insurance plans and health maintenance organizations to notify group policyholders 45 days prior to cancelling a group policy and to provide notice of the right to continue coverage.

This bill also authorizes the department of administrative services to negotiate with New Hampshire financial institutions to allow the state to be the sponsoring entity for a New Hampshire financial institution credit card, subject to the approval of the fiscal committee. The fee negotiated by the department in exchange for being a sponsoring entity shall be continually appropriated for the purpose of funding state aid to education through foundation aid.

Amendment adopted. Ordered to Third Reading.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.

Ought To Pass With Amendment. Senator Delahunt for the committee.

SENATOR DELAHUNTY: This is primarily a housekeeping bill for the labor committee in the House. Sections 1 & 2, deal with chiropractors and have the blessing with everyone involved. Section 3 deals with minimum wage law as does the amendment. They wanted the amendment so the specific figures would be spelled out in the RSA's. In the 1989 session, we passed a law that says that New Hampshire had a minimum wage and gave specific numbers and times, not if the federal minimum wage was higher that had to be used in the section of the RSA that had to be repealed. That's all the amendment does. Stick New Hampshire's minimum wage back into the RSA and state that if the feds are higher that will be the minimum wage.

SENATOR NELSON: Senator Delahunt, I just wanted to better understand that part about the minimum wage law? If the federal wages are increased and exceeds the state level, it's going to be repealing our RSA 20, 279:2021, I did not quite understand everything you said. Is that what are we doing here?

SENATOR DELAHUNTY: If the federal wage increases, the state will automatically come up to that minimum wage is what we are trying to say.

SENATOR NELSON: Senator Delahunt, is that the usual way that we do business?

SENATOR DELAHUNTY: Evidently it has not been the way and that is what this bill does to bring it up to standards so that in fact I think I believe that the federal wage, minimum wage is higher than the New Hampshire minimum wage. I could be corrected but what the bill will do when that happens is bring it up to standard immediately.

SENATOR NELSON: What we are trying to do now is something we have never done before and that is put the federal wage increase and the minimum wage increase which we will be doing now in the State of New Hampshire so all businesses will be required to pay the federal wage?

SENATOR DELAHUNTY: Pay the minimum federal wage. It brings us in compliance to federal regulations as opposed to being independent and less than the federal standards. So if you are an employer, you're going to be paying the federal minimum wage.

Amendment to HB 1153

Amend the bill by replacing all after section 2 with the following:

3 Federal Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm or corporation shall employ any employee at an hourly rate lower than [the following] **that set forth in the federal minimum wage law, as amended, or as follows, whichever is higher:**

Date	Hourly Rate
January 1, 1987, to December 31, 1987	\$3.45
January 1, 1988, to December 31, 1988	\$3.55
January 1, 1989, to December 31, 1989	\$3.65
January 1, 1990, to December 31, 1990	\$3.75
January 1, 1991, to December 31, 1991	\$3.85
On and after January 1, 1992	\$3.95

The foregoing limitation shall in no way affect existing state coverage as defined herein. For purposes of determining whether an employee of a restaurant, hotel, motel, inn or cabin, who customarily and regularly receives more than \$20 a month in tips, is receiving the minimum hourly rate prescribed in this chapter, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 percent of the applicable minimum wage rate, except that in the case of an employee who, either himself or acting through his representative, shows to the satisfaction of the commissioner that the actual amount of tips received by him was less than the amount determined by the employer as the amount by which the wage paid him was deemed to be increased under this paragraph, the amount paid such employee by his employer shall be deemed to have been increased by such lesser amount. The limitations imposed hereby shall be subject to the following exceptions:

4 Repeal. 1989, 86:3, relative to a contingent repeal, is repealed.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

Ought To Pass With Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: HB 1301-FN creates a committee to study the passenger motor vehicle insurance market in New Hampshire. You should have in front of you a floor amendment. Car insurance seems to have problems nationwide. Last year it was a ballot question in California and hopefully this committee will be able to come up with more appropriate legislation for the next session. What the amendment does it adds a representative from the New Hampshire Trial Lawyers Organization. (tape inaudible)

Amendment to HB 1301-FN

Amend section 1 of the bill by replacing paragraph VI with the following:

VI. Two members of the public, appointed by the governor.

Amend section 1 of the bill by inserting after paragraph X the following new paragraphs:

XI. One representative of the New Hampshire Bar Association, appointed by such organization.

XII. One representative of New Hampshire Citizen Action, appointed by such organization.

XIII. One representative of the Alliance of American Insurers, appointed by such organization.

XIV. One representative of the New Hampshire Head Injury Foundation, appointed by such organization.

XV. One representative of the New Hampshire Driving While Intoxicated Prevention Council, appointed by such organization.

Amend the bill by replacing section 5 with the following:

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Senator Delahunty offered a floor amendment.

SENATOR DELAHUNTY: In the original makeup, a representative of the Trial Lawyers Association was left off the committee and it was agreed upon that they will be appointed and that is what the floor amendment does. It adds one member of the Trial Lawyers Association.

SENATOR DUPONT: Senator Delahunty, as I read the amendment in the Calendar you also have one member of the Bar Association already on the study committee, and I wonder why you wouldn't

have another person from citizen action, another representative from the Alliance of American Auto Insurance, if you heavily weigh in favor of lawyers in this state.

SENATOR DELAHUNTY: Senator, I appreciate your interest and your input, I don't have an answer. I was just approached with this amendment on my way in and the only answer I think that I can give you is it was agreed that the Trial Lawyers Association should be represented. If you care to amend the amendment to add more balance to the committee, I do not have a problem with that.

SENATOR DUPONT: Senator, could not the Bar Association appoint their representative who might also be a member of the New Hampshire Trial Lawyers Association? I would assume you would have to be an attorney.

SENATOR DELAHUNTY: Senator, I think that is a reasonable assumption. I don't have a problem with it. I have to tell you and admit that I am not sure where this amendment came from. It was presented to me by means of being left on my desk and I don't have an answer. I don't see a problem with that.

SENATOR DUPONT: Senator Delahunt, would this committee still be able to function if it didn't have two attorney's sitting on it?

SENATOR DELAHUNTY: It might be difficult, Senator, but I think it could probably survive, yes.

SENATOR NELSON: Senator Delahunt, thinking lawyers are great guys, I think we should put as many as we can on the committee and off the street. What I was wondering, the committee seems to be large, 17, 18, 19 members. I was curious why they set up a 19 member committee. It seems like one of the largest committees I have ever seen.

SENATOR DELAHUNTY: I think, Senator, when you come into Insurance Committee some day and attend some of the hearings, you would appreciate the fact there are several interested parties that are involved. Everybody seems to want their representation. I think this is where the committee comes from and we try to be fair to everybody.

SENATOR NELSON: Would you believe that I think it is a great example of consensus building to get the public involved.

Floor Amendment to HB 1301-FN

Amend section 1 of the bill by inserting after paragraph XV the following new paragraph:

XVI. One representative of the New Hampshire Trial Lawyers Association, appointed by such organization.

Chair requested a Division vote..

7 Yeas

6 Nays

Amendment adopted. Ordered to Third Reading.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system.

Ought To Pass With Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: HB 1310-FN represents no cost to the State. We did this for the teachers last year. Now we are doing it for anyone else in group I that may have come from another state who participated in a retirement system there. There is no cost to the State or to the retirement system. This can be used as a recruitment tool at better times. The committee mentioned in the bill met during the time between the sessions. One of their recommendations is to allow people at the Spaulding Youth Center to participate in the State Retirement System, one of the trustees and the Executive Director of the Spaulding Youth Center want this. They have a line item in their budget for it, they feel that their participation is not that far fetched as the biggest client for the State of New Hampshire. The amendment deals with a situation in Berlin. They have had their own pension plan in Berlin for Public Works, Water Works, Recreation and Parks Department since 1962. In the early 70's, they were to be folded into the Group I system because everyone else was. For whatever reason they fell through the cracks, they don't want to join Group I. They just want us to make their system legal. Retirement system has no problem of that amendment.

SENATOR DISNARD: Spaulding Youth Center is a municipal or private organization?

SENATOR DELAHUNTY: I am not sure I can answer that.

SENATOR DISNARD: I wish to speak and I hope the Senators will listen. I have sympathy for someone who wishes to get a retirement system because I wouldn't be here if I did not have a retirement system. However, this is not a municipal group, this is a private organization and what type of a precedent would we be setting for a private organization to be included in the municipal type state, local

supported retirement system. And maybe we should give some serious thought to this because I am not sure it is the correct thing for us to be doing. I don't know if I am getting my idea across. It is not a municipal tax paid group. It is a private organization. While I am embarrassed I do not know the person involved, I think that we should look at what we might be doing. To be rating this retirement system each year; the insurance coverage, I think we ought to take a good look at what we are doing and study it or do something to make sure what we are doing is correct.

SENATOR KRASKER: Senator Delahanty, I wonder if this bill would include in this Group I category municipal employees?

SENATOR DELAHUNTY: Senator, are you familiar with the amended analysis? Does that not answer your question? The bill allows every group I member who transferred into New Hampshire Retirement System after June 30, I don't know if that addresses you.

SENATOR KRASKER: I just wondered if that included municipal employees?

SENATOR DELAHUNTY: I can't tell you. It's part of the Group I System, I would say.

SENATOR NELSON: Senator Delahanty, is it not true under RSA 100A-29 that there already exists A-K organizations that are part of the system who are non-governmental entities?. This is not unusual and that other groups are in here. Would you believe Coe Brown Academy, the Craft State Corporation, the Great Bay School Training Center Lakes Region, the League of Craftsman Foundation, any interstate commission with respect to any New Hampshire employee selected to serve on the commission? Would you believe, Sir, that it is not unusual in the sense that there are already people that are on this list?

SENATOR DELAHUNTY: Senator, observing the book that you are reading from I would believe anything that you had to say.

Senator Dupont moved to have **HB 1310-FN** Laid on the Table. Adopted.

Senator Nelson wished to be recorded as opposed to the motion.

HB 1394, relative to the election of optional retirement allowances.

Ought To Pass With Amendment. Senator Delahanty for the committee.

SENATOR DELAHUNTY: HB 1394 is also pretty straight forward, the analysis is correct. Section one allows somebody to pick up an optional retirement allowance before they retire and not after they retire. It also deals with retirees who are divorced who wish to change their beneficiary. The amendment merely cleans up the language and has a grandfather provision. Section two gives a 120 day grace period to anyone who retires before July 1, 1988, and might want to change their survivorship option now. These are a couple of constituent problems that have arisen in the retirement system and the retirement system has no problem with the bill and they recommend it ought to pass.

Amendment to HB 1394-FN

Amend RSA 100-A:13, II as inserted by section 1 of the bill by replacing it with the following:

II. Any retired member who has elected option 2, 3 or 4, and whose beneficiary nominated by the retiree under such option was the retiree's spouse at the time of such election, may terminate such elected option upon the issuance of a divorce decree and subsequent remarriage of the former spouse. Upon termination, the allowance received under the elected option shall be converted to the retirement allowance that would have been payable in the absence of such election. Any supplemental allowance, or COLAs, granted to the retiree and effective before the date of termination of the option shall continue in effect and shall not be adjusted as a result of the termination. Notice of such termination shall be given by the retiree on a form designated by the board, within 90 days after the date of the remarriage of the former spouse. For any retiree whose divorce and the subsequent remarriage of the former spouse occurred on or before July 1, 1990, the notice shall be given to the board on or before October 1, 1990. Said termination action shall become effective on the first day of the month following receipt of such notice by the board. If the retiree dies after giving valid notice of such termination but before the effective date, the option shall terminate as of the date of the retiree's death.

Amendment adopted. Ordered to Third Reading.

HB 1350-A, increasing the appropriation for constructing regional vocational education centers.

Inexpedient To Legislate. Senator Disnard for the committee.

SENATOR DISNARD: Education Committee recommends Inexpedient To Legislate even though it is a good bill. The companion bill, SB 400, was on the consent calendar in the House and was not re-

moved so therefor word for word the only difference is the sponsors have been changed. So it would save work for somebody.

Adopted.

Recess.

Out of Recess.

Senator Bartlett in the Chair.

HB 1099, relative to controlled drugs and pharmacy licensing.

Ought To Pass With Amendment. Senator St. Jean for the committee.

SENATOR ST. JEAN: HB 1099 was introduced at the request of the Board of Pharmacy. It's purely housekeeping. The first section of the bill changes the law in regard to construction of new hypodermic needles. We want people to dispose of them in a way that would not risk injury, AIDS or things of that nature. Section one of the bill recognizes that, part two of the bill is a new section. We asked the House to put in what is called doctor shopping, people who want to divert controlled drugs for their own use or resale often get more than one doctor. Often they say they are in terrible pain and they need prescriptions and then they start selling them on the black market.

Amendment to HB 1099

Amend section 1 of the bill by replacing it with the following:

1 Destruction of Used Instruments **in Health Care Facilities**; Rendering Inoperable. Amend RSA 318:52-b to read as follows:

318:52-b Destruction of Used Instruments **in Health Care Facilities**. It shall be unlawful for any possessor of a hypodermic syringe, needle, or any instrument adapted for the administration of **controlled drugs, in health care facilities**, to dispose of or discard any such instrument [without first making the instrument inoperable for further use] **in any manner other than that provided in this section**. **Disposables which can cause injury, such as needles or syringes with needles, shall be placed intact in puncture resistant containers that are adapted with a secured lid which prevents easy access to the contents.**

Amend RSA 318-B:2, XII-a as inserted by section 2 of the bill by replacing it with the following:

XII-a. It shall be unlawful for any person to knowingly acquire, obtain possession of or attempt to acquire or obtain possession of a controlled drug by misrepresentation, fraud, forgery,

deception or subterfuge. This prohibition includes the situation in which a person independently consults 2 or more practitioners for treatment solely to obtain additional controlled drugs or prescriptions for controlled drugs.

AMENDED ANALYSIS

This bill eliminates the licensing requirement for professional associations and corporations engaged in the practice of medicine to possess and dispense controlled drugs.

The bill establishes federally approved methods for the disposal of used hypodermic needles and syringes used in health care facilities.

The bill also requires medical personnel and facilities to conduct biennial controlled substance inventories.

The bill makes it unlawful for a person to possess or attempt to possess a controlled drug by misrepresentation, fraud, forgery, deception or subterfuge, or to consult numerous practitioners to obtain additional prescriptions for a controlled drug.

Amendment adopted. Ordered to Third Reading.

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility.

Ought To Pass With Amendment. Senator St. Jean for the committee.

SENATOR ST. JEAN: I defer to Senator Dupont.

SENATOR DUPONT: If you take a look at HB 1111, you find that we did make one change in the bill in Internal Affairs. What we are allowing in by the amendment is the opportunity for programs that aren't hard capital costs. In other words, if the utilities were mailing out brochures that dealt with conservation programs or other types of programs that were not actual hard dollars spent for capital improvements also be allowed as eligible cost rate making.

Amendment to HB 1111

Amend the bill by replacing section 2 with the following:

2 New Section; Capital Investments for Energy and Water Conservation. Amend RSA 378 by inserting after section 30-a the following new section:

378:30-b Conservation Investments; Included in Rates. The commission may include the cost or value of capital improvements or programs in the rates of a utility when the capital improvement or program provides for the conservation of the energy or water provided by the utility, regardless of whether the utility's capital im-

provement or program is implemented in or on the utility's premises or at the location of the user of the energy or of the water.

AMENDED ANALYSIS

This bill allows the cost or value of capital improvements or programs by public utilities for energy and water conservation purposes to be included in the rates of a utility.

Amendment adopted. Ordered to Third Reading.

HB 1152, relative to confidentiality of information regarding videotape rentals.

Ought To Pass With Amendment. Senator St. Jean for the committee.

SENATOR ST. JEAN: We heard HB 1152 and we thought it was a good piece of legislation. What it does is keeps confidential your video tape rental habits that you have at your local store.

Amendment to HB 1152

Amend RSA 351-A:1, II and III as inserted by section 2 of the bill by replacing them with the following:

II. Records described in paragraph I may be disclosed to the extent necessary for the proper operation of such videotape rental and sales establishments and shall be disclosed:

(a) Upon request by or consent of the renter or the renter's or buyer's parent or guardian in the case of a minor;

(b) To law enforcement agencies for the purpose of an ongoing criminal investigation regarding theft or failure to return videotapes;

(c) Pursuant to subpoena or court order;

(d) Where otherwise required by statute; or

(e) To any person if the disclosure is limited to debt collection activities, order fulfillment, request processing or the transfer of ownership.

III. Nothing in this section shall be construed to prohibit any videotape rental or sales establishment from releasing statistical information and other data regarding the circulation or use of videotape rental or sales materials, provided, however, that the identity of the renters or purchasers of such videotape rental or sales materials shall be considered confidential and shall not be disclosed to the general public except as provided in paragraph II. In the case of mail order sales, such statistical information and other data may include the names and addresses of persons who have purchased videotapes

and the subject matter of such videotapes, as long as no other information about the videotapes, including title and content, is disclosed.

Amendment adopted. Ordered to Third Reading.

HB 1276, relative to sales of motor vehicles.

Ought To Pass. Senator Dupont for the committee.

SENATOR DUPONT: We heard HB 1276, which was a piece of legislation that was designed to update current statutes that are on the books dealing with the relationship in franchise automobile dealers and the major manufacturers. It is partially a reflection of what is currently happening in the automobile industry, a lot of change. Obviously, the current laws need to be updated to take into consideration some of what is actually happening in the industry.

Adopted. Ordered to Third Reading.

HB 1326-FN, relative to the sale or lease of certain institutional lands.

Inexpedient To Legislate. Senator St. Jean for the committee.

SENATOR ST. JEAN: We heard HB 1326, and felt from testimony given by Senator Freese that the Governor has set up the Governor's Laconia State School study committee which was established September 5, 1989, headed by George Jones, to study alternative uses of the various lands involved. We felt that we should give that committee time to act. We felt that this particular piece of legislation was premature at this time.

Adopted.

HB 1344, relative to least cost planning by electric utilities.

Ought To Pass With Amendment. Senator Dupont for the committee.

SENATOR DUPONT: HB 1344 puts into law existing procedure at the PUC relative to long term planning for utilities in terms of their abilities to meet the future energy needs of the State through various array of options. It has the support of the PUC Commission. Basically, this is a procedure that they presently use when they are looking at the utility's long term plans.

SENATOR NELSON: I have just one quick question. I understand some of these utilities companies are bogged down in terms of time in getting things through the PUC, something like this now is formal process. Is this going to accelerate it or are people still going to be stuck over, waiting?

SENATOR DUPONT: Senator, that is a good question. This is not going add anything to the process because they are presently going through it now at the present time. Your concerns about how the PUC works are valid. One of my goals is at some point in time is to take a look at the old PUC process.

Amendment to HB 1344

Amend RSA 378:37 as inserted by section 1 of the bill by replacing it with the following:

378:37 New Hampshire Energy Policy. The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for reliability and diversity of energy sources and protecting the safety and health of the citizens, the physical environment of the state, the future supplies of nonrenewable resources, and the financial health of the utility industry.

Amendment adopted. Ordered to Third Reading.

CACR 25, relating to the membership of the Senate. Providing that the Senate shall consist of 48 members.

Inexpedient To Legislate. Senator Dupont for the committee.

SENATOR DUPONT: The Senate Internal Affairs Committee heard some fairly lengthy testimony from various members of the House about this legislation. Obviously a lot of their concerns were based on the fact that there is significant number of them and too few of us. They are uncomfortable with the fact that 13 members of this body can prohibit a good House Bill from passing over here. We had a fairly long discussion with a number of members about what the appropriate size was for the House. We reached no agreement with them on that issue so the committee report is Inexpedient to Legislate.

SENATOR NELSON: I would just like to take this opportunity to tell the Senator that I am not a member of the House and I am a member of the New Hampshire State Senate. And I was unable to get to the hearing because I was somewhere else at another hearing. I wanted to just express that opinion. I am a co-sponsor to this along

with Senator Charbonneau and Senator King and it's not all the House members who want this. We know how busy and active you all are and doing a great job. It was just an opportunity to get some more people in here and help us do a better job and spread the work a little bit. So I just wanted you to know.

SENATOR DUPONT: Thank you Senator Nelson, one of interesting things that came up in the hearing was suggested that perhaps that the House ought to be 200 members. Would you believe that none of the House members wanted to give up their seat that were there that day to testify to this bill?

SENATOR NELSON: I would believe it and I believe that I have voted in the past to lower the number of the people in the House. But this, sir, is a question of just the Senate, not the House. We have to see clearly now that we are just talking about the Senate and I am sorry your committee didn't see fit to do something about it.

SENATOR DUPONT: Senator, would you also believe that the committee did seriously look at this legislation and that members of the committee were concerned that if you are to change the size of the Senate, it is inappropriate to do that without taking a look at the whole legislation process.

SENATOR NELSON: Senator Dupont, I would believe it and Senator Preston has assured me that he also has looked at it and he agrees with you.

SENATOR MAGEE: Senator Dupont, you are pretty well versed on this bill I would imagine. Is there a fiscal note on this bill, sir?

SENATOR DUPONT: It is a constitutional amendment so it takes into consideration no fiscal impact.

SENATOR MAGEE: Senator Dupont, if there is no fiscal note on this resolution, who is going to knock down the wall and who is going to pay for the rest of the room we will need in here?

SENATOR DUPONT: Senator, do you believe I offered to share my seat with someone else.

SENATOR MAGEE: I would believe that Senator, because that is the kind of guy you are.

SENATOR JOHNSON: I can't support an increase of 24 members for this small room, as Senator Magee has pointed out here. But, on a serious note here, I would support an increase to 36. It would be my understanding that the number of 48 just made it convenient to

have two senators from each of the 24 existing districts and I don't think that is adequate justification to reach a number of 48. I think 36 is more appropriate.

SENATOR NELSON: Senator Johnson, would you believe that this bill only wants to ask the voters of the State of New Hampshire whether this is a good idea or not or we should change the constitution?

SENATOR JOHNSON: I believe I know what the voters are likely to say in this situation!

Adopted.

Senator King wished to be recorded as opposed to the motion.

HB 514, relative to the rulemaking authority of the director, division of public health services.

Ought To Pass With Amendment. Senator King for the committee.

SENATOR KING: HB 514 has to do with waxed fruit and Senator Nelson distracted me and I think she said she was against wax fruit. What this bill says is that it essentially allows the Division of Public Health Services to promulgate rules that would punish grocery stores not having signs displayed identified fruits as having waxed fruits.

Senator St. Jean moved to have **HB 514** Laid on the Table.

Adopted.

Senator Heath took Rule 42.

Senator Roberge wished to be recorded as opposed to the motion.

HB 1047, establishing a commission with the State of Maine on Lake Umbagog.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: This bill, as the description says, establishes a commission with three persons appointed by the Governor to meet with commissioners of a like commission in the State of Maine which is much larger and is given the responsibility for oversight of the care of the lakes of the State of Maine to determine what legislation, if any, is necessary and in both States to protect the very unique asset we have on Lake Umbagog. The State owns land on the shore of Lake Umbagog. The James River Corporation has a large timber

stand, there is private property and at this point it has not been spoiled. From our past experience, it will not hurt to start now protecting it.

SENATOR DUPONT: Senator Bond, as you know I have been waging sort of a little bit of a battle with the State of Maine over a little bit of income tax problem that my constituents have with them. Do you mind greatly if during your discussion with them you mention that issue as part of your debate with them over our lake?

SENATOR BOND: Senator Dupont, as one who has to pay some income tax in the State of Maine I would be delighted to!

Adopted. Ordered to Third Reading.

HB 1324-FN, creating a joint legislative committee with the State of Maine to study the Piscataqua River Basin.

Ought To Pass. Senator Heath for the committee.

SENATOR HEATH: Like the last piece of legislation, this furthers the foreign policy for the State of New Hampshire and establishes a group to meet with a similar group to talk about the Piscataqua River Basin and I think they also would convey New Hampshire and Senator Dupont's concerns along the line that he mentioned.

Adopted. Ordered to Third Reading.

HB 1334-FN, relative to telephone utilities service territories.

Ought To Pass. Senator Heath for the committee.

SENATOR HEATH: This bill simply provides a mechanism for small telephone companies and large alike to negotiate boundaries or territories.

Adopted. Ordered to Third Reading.

HB 1074, relative to annual audits of consumer cooperative associations.

Ought To Pass. Senator Heath for the committee.

SENATOR HEATH: This will release small cooperatives from the mandated costs of annual audits. They can have them if they want but they are no longer mandated in the small cooperatives.

Adopted. Ordered to Third Reading.

HB 1137, relative to condominium law.

Ought To Pass. Senator Heath for the committee.

SENATOR HEATH: This bill changes the requirements for return receipt to just certified mail to announce a meeting of condominium association.

Adopted. Ordered to Third Reading.

HB 1156, relative to the order of the placement of candidates' names on ballots.

Inexpedient To Legislate. Senator Bass for the committee.

SENATOR BASS: This bill would set up a new procedure for organizing candidates names on the ballot. As we all know names are already placed on the ballot on a random basis. For every single partisan election in the State, except for state Rep where it would not be feasible for single towns to have different orders of names within a legislative district, what the bill does is sets up a procedure whereby the Secretary of the State would have a drawing and then there would be a reorganization on alphabetical basis beginning with that drawing. It was the general feeling of the committee that this was much ado about nothing. It would create confusion and could create problems on the ballot that would lead to questions of certification of candidates after the election.

SENATOR HEATH: Senator Bass, since this legislation can relieve the individuals who don't appear early in the alphabetical order of always being last or in the middle of the pack on House ballots and given that you have been a leader in election reform, can I assume your opposition to this is that there are other members of the Bass family that are coming along and running for House soon?

SENATOR BASS: Senator Heath, I will tell you what concerns me most about this bill, and that would be that if you and I ever wound up in the same district running for the same office and it was the state representative office and for some reason they picked E first and they got the first and the last letters missing on your name and they forgot the first letter on my name the way it would appear on ballot!

Adopted.

HB 1197, to identify individual contributors to political campaigns.

Inexpedient To Legislate. Senator Bass for the committee.

SENATOR BASS: This bill would add a substantial amount of new information that would be required on the disclosure forms which are now required for contributions. As one, as Senator Heath has so

aply stated, who worked on this issue for quite some time now, it was my feeling and the feeling of the committee that this was really not central to what the committee feels are the important problems facing the election reporting process, and although it might satisfy a particular inquiry that might be made, it is, at this particular time, a burden that all this extraneous information would place upon the recording procedure and that the information, most of which is already available, does not justify the passage of this bill.

Adopted.

HB 1128-FN, requiring licensure of out-of-state mail order pharmacies.

Interim Study. Senator McLane for the committee.

SENATOR MCLANE: The next two bills are being sent to study. The committee felt that this was a very difficult subject. Obviously, the in-state pharmacies that we have learned to know and love and depend on are distressed at the thought that they are losing significant business to outside pharmacies from other states. And yet, people from the AARP and various insurance groups came before us and told of the savings and the significant savings, particularly in long term drugs, that they received from out-of-state pharmacies. It's going to be a matter of balancing. Other states have worked out this problem, such as California, Maine and we believe that it is an important one to study, but certainly not one that should be entered into quickly or lightly.

Adopted.

Senator Roberge wished to be recorded as opposed to the motion.

HB 1312-FN, relative to employee prescription drug benefits and health care centers.

Interim Study. Senator McLane for the committee.

SENATOR MCLANE: Thank you. This was an important bill because our own state employees took part in this discussion and it was pointed out that 60,000 people in New Hampshire use out-of-state pharmacies particularly for their long-term drugs dealing with, really, elderly maintenance drugs. The savings are truly significant. But, we do have problems with pharmacists who feel that the consumers may not be well served by sending out-of-state for a three month supply of drugs. There also is a federal law which is working its way along at this point. For that reason and many others the committee felt that both these bills should be studied together and

some fair resolution that was good for elderly people, for retirement systems, and for the pharmacies should be worked out.

Adopted.

HB 1347-FN-A, relative to quality assurance records of community mental health programs.

Ought To Pass With Amendment. Senator Krasker for the committee.

SENATOR KRASKER: HB 1347-FN-A authorizes community health programs to keep their quality assurance records confidential unless the Division of Mental Health or Developmental Services requires the disclosure. Quality assurance programs are on-going and used to monitor and to evaluate quality and the appropriateness of care provided so that problems of delivery in care be identified and then steps taken to correct them. The amendment by the committee adds a provision that a court can order the records to be produced upon evidence that a party seeking discovery has substantial need of the material and is unable to obtain the equivalent without undue hardship. This was taken from Superior Court Rule 35 which governs all requests of discovery in Superior Court in New Hampshire. The committee felt that this amendment effectively balances the right of the client with a mental health center's need for confidentiality and I would urge its adoption.

Amendment to HB 1347-FN-A

Amend RSA 135-C:64, II as inserted by section 1 of the bill by replacing it with the following:

II. Except as provided under RSA 135-C:5, II, records of a community mental health program's quality assurance program, including those of its functional components and committees as defined by the organization's quality assurance plan, organized to evaluate matters relating to the care and treatment of patients and to improve the quality of care provided and testimony by members on the board of directors of the community mental health program, medical and clinical staff, employees, or other committee attendees relating to activities of the quality assurance program shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial or administrative proceeding. Notwithstanding the above, a court of competent jurisdiction may order the community mental health program to produce the records of its quality assurance program and admit such records into evidence upon a showing that the party seeking discovery has substantial need of the materials in the prepa-

ration of his case and that he is unable without undue hardship to obtain the substantial equivalent of the records by other means. In addition, in the case of a legal action brought by a community mental health program, its quality assurance program, or its board of directors, to revoke or restrict a staff member's license, certification, or community mental health program privileges, or in a proceeding alleging repetitive malicious action and personal injury brought against a staff member, a program's records shall be discoverable.

Amendment adopted. Ordered to Third Reading.

HB 1162-A, relative to the railroad banking program.

Ought To Pass With Amendment. Senator King for the committee.

SENATOR KING: I would like to defer this to Senator Heath to present the amendment.

SENATOR HEATH: This bill was not excec. It accidentally got here and I do not know how with an amendment. The committee this morning decided to do their work through a floor amendment rather than take it back because of the hour. I urge you to defeat the committee amendment and I will speak to the floor amendment.

Committee amendment failed.

Senator Heath offered a floor amendment.

SENATOR HEATH: The floor amendment consists of two parts. It substitutes for the bill. The bill deals with railroads and preserving railroad lines that are abandoned throughout this State. That was the bill that was passed by the House and they very much want it. We passed some drunk driving legislation. They put it to study, they feel there are portions of that DWI legislation that needs to be studied and indeed there are. But, there are other portions that they agree we can go forward with. So with the cooperation of the House Transportation Committee members that we dealt with, the second part of this amendment moves forward on those portions we could put into effect now without much question. When this goes to committee of conference as they have agreed to call for a committee of conference, we can iron out the details in both portions of this amendment to the satisfaction of the House and the Senate, or of course, the bill will entirely fail. But this is an effort to move forward the Senate position to the degree that we can in cooperation with the House Transportation Committee. I urge you to vote ought to pass.

Floor Amendment to HB 1162-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to abandoning and disposing of rail properties, relative to the railroad banking program and making an appropriation therefor, and relative to suspension and revocation of licenses for certain motor vehicle offenses and creating a supplemental fund.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Disposal of Rail Properties. Amend RSA 228:60-a by inserting after paragraph VI the following new paragraphs:

VII. Any railroad corporation exercising its right to abandon or discontinue rail service shall provide the commissioner with notice, 12 months prior to such proposed abandonment or discontinuance of service. In such notice, the railroad corporation shall provide the following information:

(a) Traffic data over the line for the previous 5 years.

(b) The acquisition cost of the line proposed to be abandoned or on which service is proposed to be discontinued.

(c) An estimate of the minimum selling price being equivalent to the value of such rail properties remaining in continued rail use.

(d) A statement describing the physical condition of the line proposed to be abandoned or on which service is proposed to be discontinued.

(e) Any other information concerning the line to be abandoned or on which service is proposed to be discontinued as deemed appropriate by the commissioner.

VIII. Any railroad corporation owning rail properties shall provide quarterly reports to the commissioner listing in detail any rail properties it sold, transferred, leased, abandoned or otherwise disposed of during the previous quarter, and any rail properties it intends to sell, transfer, lease or otherwise dispose of or abandon during the following quarter. For purposes of this paragraph, no railroad corporation shall sell, transfer, lease, or dispose of any rail properties which do not timely appear on such quarterly reports.

2 Purchase Price for Rail Properties. RSA 228:60-b is repealed and reenacted to read as follows:

228:60-b Purchase Price for Rail Properties.

I. All rail properties within the state offered for sale by any railroad corporation after July 1, 1990, shall be offered for sale in writing to the commissioner in the first instance. In no event shall a

railroad corporation offer to sell or otherwise dispose of rail properties to any person or entity on terms or conditions more favorable than those offered to the state. The state of New Hampshire acting through the commissioner shall notify such railroad corporation in writing of its acceptance or rejection of an offer within 90 calendar days of receipt of such offer.

II. The state of New Hampshire, acting through the commissioner with the approval of governor and council, may match any verifiable bona fide offer made for any rail properties within the limits of funds available to the commissioner for this purpose. Any such right of first refusal shall be offered in writing to the commissioner who shall notify such railroad corporation in writing of acceptance or rejection of such an offer within 60 calendar days of receipt of such offer.

III. If the amount of any offer is unsatisfactory to the state, the commissioner may proceed to condemn such rail properties under RSA 228:59.

3 Rebuilding, Modernization, and Maintenance of Rail Properties. RSA 228:66 is repealed and reenacted to read as follows:

228:66 Rebuilding, Modernization and Maintenance of Rail Properties. The commissioner is authorized to contract for the rebuilding of any rail properties, either publicly or privately owned. The commissioner is further authorized to spend any sums appropriated for such purpose as well as any other available funds for the modernization and rebuilding of any rail properties. The commissioner is also authorized to do such maintenance on any rail properties as appears necessary in the public interest. All state funds appropriated for privately owned rail lines shall be expended only if the following procedures and conditions are fulfilled and incorporated into binding agreements executed by and among the state, the owner of the affected rail line, and the shippers or users who utilize said lines and who participate in the performance of the following:

I. All state funds shall be matched by the owner, shipper, or user in cash in an amount equal to 20 percent of the total amount provided.

II. Shippers or users participating pursuant to paragraph I shall be required to furnish assurance by signed agreement with the state to continue utilization of the line involved on an annual basis at a tonnage level of at least 80 percent of their annual tonnage average over the 3 years preceding the agreement, provided that enforcement of such assurance shall be preceded by a finding by the commissioner that any shipping rate increases during such period are reasonable.

III. Shippers or users shall make commitments to use appropriate volume and usage levels on the line.

IV. The railroad operator and its successors and assigns shall make commitments to continue service and maintenance on the lines appropriate to the volume and usage levels committed under paragraph II and at the classification level to which the lines had been rehabilitated.

V. If the owner of any line, upon which improvements have been made utilizing state funds, sells or abandons all or any portion of such line, a lien on the improved property shall be created in favor of the state in an amount which equals all, or the pro rata share, of the improvements made. The lien shall expire 10 years from the date the improvements are completed; provided that the lien shall be recorded in the registry of deeds of the county or counties in which the improved property is situated and shall not supersede any lien created by a mortgage affecting such property. The lien shall only expire if the line upon which the improvements have been made is operated and maintained for normal use for a period of 10 years subsequent to the completion of the improvements.

4 Purpose and Intent. The general court finds that it is in the public interest to preserve railroad rights-of-way, bridges, and associated rail properties. Railroad properties provide unique corridors which offer recreational opportunities for hiking, horseback riding, snowmobiling, and other such activities. Further, railroad rights-of-way and associated rail properties may be needed again in the future for transportation purposes. The general court, therefore, finds that it is in the public interest to appropriate funds for the purchase of abandoned railroad rights and other rail properties.

5 New Subparagraph; Supplementary Motor Vehicle Fund. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) Money received by the department of safety under RSA 263:42, V, which shall be credited to the supplementary motor vehicle fund.

6 New Section; Suspension or Revocation of Registration. Amend RSA 261 by inserting after section 179 the following new section:

261:180 Mandatory Suspension or Revocation of Registration.

I. No person shall register any type of motor vehicle in this state while his license is under revocation or suspension. Any person who registers a vehicle while his license is under suspension or revocation shall be guilty of a violation, and shall have his registration revoked.

II. A person whose license is under suspension or revocation who registers a vehicle shall not be entitled to a refund of the municipal permit fee or the registration fee.

III. Any court which revokes or suspends a driver's license or privilege to drive pursuant to RSA 263:54, RSA 263:54-a, RSA

263:56, I(i), RSA 265:82, or RSA 265:82-a, shall also revoke the registration of any vehicle or vessel registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

IV. The director of motor vehicles, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide or manslaughter, shall also revoke the registration of any vehicle or vessel registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

V. The commissioner shall establish, pursuant to RSA 541-A, a system for providing a hardship registration for a fee of \$10 on a vehicle registered to a person whose license is under suspension or revocation.

7 Registration Fee; New Fund. RSA 263:42, V is repealed and reenacted to read as follows:

V. Whenever a registration has been suspended, a fee of \$25 shall be paid for the restoration of such registration. This \$25 shall be placed in a special fund, known as the supplementary motor vehicle fund. Moneys from this fund may be used by the commissioner for personnel or equipment or both as necessary to carry out the provisions of RSA 261:180, subject to the approval of the fiscal committee and the governor and council. All sums in the supplementary motor vehicle fund in excess of \$300,000 as of June 30 of each year, shall lapse into the highway fund.

8 New Paragraph; Period of Suspension. Amend RSA 265:82-b by inserting after paragraph IV the following new paragraph:

V. Immediately following a person's conviction for any offense under RSA 265:82 or 265:82-a, the director of motor vehicles shall examine the person's motor vehicle record. If the person has had a prior driving while intoxicated conviction within the preceding 7 years, the director shall revoke the person's driver's license or privilege to drive in this state for a period of not less than 3 years. The person's license or privilege to drive shall not be restored at the end of this 3-year period or any other period of suspension or revocation resulting from any conviction for driving while intoxicated, until the offender has successfully completed the program required by RSA 263:65-a. For the purpose of this paragraph, "successfully completed" shall mean meeting further counselling requirements, if any, arising out of the final evaluation given to the offender at the alcohol education program. In no event shall such additional counselling requirements extend in duration beyond 6 months from the date of

such final evaluation, without first giving the offender the right to a hearing before the commissioner to determine whether he is eligible for license restoration.

9 Controlled Drugs Included. Amend RSA 265:88 to read as follows:

265:88 Effect of Evidence of Alcohol Concentration Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265:82, I(a), or RSA 265:82-a, I, was under the influence of intoxicating liquor **or any controlled drug.**

10 Appropriation. The sum of \$3,000,000 is hereby appropriated to the commissioner of the department of transportation for the purchase of rail properties as defined by RSA 228:54, VIII including, but not limited to, abandoned railroad rights of way under RSA 228:60-a. This appropriation shall be nonlapsing.

11 Bonds Authorized. To provide funds for the appropriation made in section 10 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest of the bonds and notes shall be made from the general funds of the state.

12 Effective Date.

I. Sections 1-4, 10 and 11 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires railroad corporations to:

I. Give 12 months notice to the commissioner of transportation before abandoning or discontinuing service.

II. Prepare quarterly reports concerning the sale, transfer, lease, abandonment, or other disposition of rail property.

III. Give the state of New Hampshire the right of first refusal on rail properties offered for sale.

The bill authorizes the commissioner of transportation to make available matching funds, for rebuilding, modernization and maintenance of rail properties, to rail corporations and shippers or users of the rail lines, if certain procedures and conditions are met.

This bill appropriates funds to the department of transportation for the purchase of rail properties and authorizes the treasurer to issue bonds and notes in the name of the state to provide such funds.

This bill also proscribes mandatory suspension and revocation of licenses for certain motor vehicle offenses and creates a fund to cover personnel and equipment expenses.

Amendment adopted. Ordered to Third Reading.

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil.

Ought To Pass. Senator Johnson for the committee.

SENATOR JOHNSON: This is a bill you should pay attention to because you should be pleased to go back to your constituents and report that you supported this bill. This bill eliminates the inappropriate restriction that can appear in a gasoline franchise agreement. The result of this bill is that dealers may now utilize new technology and use that new technology to burn waste oil. This is an environmentally sound bill. It was supported by the Division of Air Resources and there was no opposition to it.

Adopted. Ordered to Third Reading.

ENROLLED BILL AMENDMENT

Enrolled Bill Amendment to SB 335-FN

Amend the bill by replacing line 7 on page 1 with the following:
201-A:8-a; 201-A:22, I; 201-A:23, II; introductory paragraph of

Senator Currier for the committee.

Adopted.

RECONSIDERATION

Senator King moved reconsideration on **HB 1083**, establishing speed limits for operation of OHRVs and increasing OHRV registration fees whereby the bill was ordered to Third Reading and Final Passage.

SENATOR KING: There was a slight error made in the wording and changed one of the formulas for the distribution of the money so we need to bring it back and send it to Senate Finance to take care of it.

Adopted.

HB 1083, establishing speed limits for operation of OHRVs and increasing OHRV registration fees.

Adopted. Referred to Finance (Rule #24)

ANNOUNCEMENTS**RESOLUTION**

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that when we adjourn, we adjourn until Thursday, March 29, 1990 at 10:00 a.m..

Adopted.

LATE SESSION**Third Reading and Final Passage**

HB 409-FN, relative to licensing professional foresters.

HB 442-FN-A, establishing a Lakes Management and Protection Program.

HB 723-FN, regarding the acid rain control act.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton and limiting the horsepower of petroleum-powered motors on Lake Katherine in the town of Piermont.

HB 1026, relative to the definition of public access to public waters.

HB 1052, relative to a public trust grant for Mount Sunapee and Cannon Mountain ski resorts' snowmaking.

HB 1122-FN, establishing a study committee on the best use of the Kona Wildlife Area in the Town of Moultonborough.

HB 1150-FN, relative to the Oil Pollution Control Fund.

HB 1219-FN, relative to the oil discharge and disposal cleanup fund.

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup.

HB 1309, relative to a public trust grant for the Gunstock Area ski resort's snowmaking.

HB 1357, relative to the rulemaking authority of the Commissioner of Environmental Services.

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges.

HB 1372, relative to interim rules under the administrative procedures act.

HB 1072-FN, relative to administrative penalties for violations of securities law and to show cause orders issued by the director of the office of securities regulation.

HB 1106, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to private and public offerings.

HB 1120, relative to notice of insurance cancellation and relative to a state-sponsored credit card program.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

HB 1394, relative to the election of optional retirement allowances.

HB 1099, relative to controlled drugs and pharmacy licensing.

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility.

HB 1152, relative to confidentiality of information regarding videotape rentals.

HB 1276, relative to sales of motor vehicles.

HB 1344, relative to least cost planning by electric utilities.

HB 1047, establishing a commission with the State of Maine on Lake Umbagog.

HB 1324-FN, creating a joint legislative committee with the State of Maine to study the Piscataqua River Basin.

HB 1334-FN, relative to telephone utilities service territories.

HB 1074, relative to annual audits of consumer cooperative associations.

HB 1137, relative to condominium law.

HB 1347-FN-A, relative to quality assurance records of community mental health programs.

HB 1162-A, relative to abandoning and disposing of rail properties, relative to the railroad banking program and making an appropriation therefor, and relative to suspension and revocation of licenses for certain motor vehicle offenses and creating a supplemental fund.

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

March 29, 1990

The Senate met at 10:00 a.m.

A quorum was present.

Senator Dupont in the Chair.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, give us the strength to go through this day. We have many ponderous decisions to come before us and with such legislation, tempers flair under the pressures to those who want to choose between the right and the wrong. Election year is always a tough year to vote. You and I are going to vote and how are you going to come out? Bless us Lord.

Amen

Senator Bartlett led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 302, relative to the Mount Washington Commission.

SB 305-FN, to return filing fees paid by candidates for the office of state representative to cities and towns.

SB 339-FN, relative to licensure of mobile barbershops.

SB 344-FN, relative to the appointment of the director of water supply and pollution control.

SB 345-FN, relative to the New Hampshire Higher Educational and Health Facilities Authority.

SB 360, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters.

SB 389, relative to non-privileged communication in marital mediation proceedings.

SB 405-FN, relative to accounting procedures and risk retention of insurance companies.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 490, establishing a speed limit on a portion of the Connecticut River.

HB 562-FN, making technical changes in the election laws.

HB 639-FN, relative to the disposition of acquired or abandoned rail properties.

HB 700-FN, imposing minimum mandatory sentences for felonious use of firearms.

HB 1003, relative to prima facie speed limits on local roads.

HB 1016, relative to altering municipal highway classification.

HB 1081, relative to the membership of the fish and game commission.

HB 1104, relative to motor vehicle laws.

HB 1136, relative to filing of annual reports with the secretary of state.

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident.

HB 1175-FN, establishing a committee to study choice in education.

HB 1196-FN, relative to sand dunes and establishing a study committee relative to wetlands board matters.

HB 1321-FN, requiring the fish and game department to submit a shellfish management plan.

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester.

HOUSE MESSAGE

The House of Representatives has referred to Interim Study the following entitled Bills sent down from the Senate:

SB 352-FN, relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants.

SB 372-FN, relative to suspension or revocation of the motor vehicle license or privilege to drive.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 306, extending the reporting date for the committee to study corporal punishment and the licensing and regulation of private kindergartens and nursery schools in the state.

SB 316-FN-A, relative to the governor's education improvement program.

SB 327, relative to a state-sponsored credit card program.

SB 349-FN, relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues.

SB 396-FN, relative to drivers' license suspensions for drug offenses.

SB 410-FN, relative to display of materials which are harmful to minors.

HOUSE MESSAGE

The House of Representative has acceded to the request of the Senate for a Committee of Conference on the following entitled Bill:

SB 57-FN, relative to mandatory waste reduction and recycling for state agencies.

The Speaker, on the part of the House of Representatives, has appointed as members: Representatives E. Millard, N. Tarpley, E. Popov, P. Weymouth

NOTICE OF RECONSIDERATION

Senator King served notice of reconsideration on **HB 1120**, relative to insurance cancellation.

COMMITTEE REPORTS

HB 1375-FN, relative to impact fee legislation.

Majority Report: Inexpedient To Legislate. Senator Freese for the majority.

Minority Report: Ought To Pass With Amendment. Senator Currier for the minority.

SENATOR CURRIER: The amendment is on page 16 of your calendar. It has had wide distribution this week. It was known as the Johnson amendment at one point and it has been enhanced a little bit since that time. The amendment replaces basically the entire bill, which was studied and worked on for many hundreds of hours by many, many people. The amendment, which as I indicated has been distributed widely, basically does three things. It provides definitions for capital improvement, impact fees and new development. It adds authority in already existing statutes. And it provides an appeal process to the local governing body in cases of needing such an appeal. Many complained that the study legislation was too complicated. This measure that is before us today, and the minority report, is strictly enabling, and provides local elected officials with statutory authority to enact local impact fee ordinances to their already existing authority. These ordinances would be adopted in the same manner as other ordinances currently authorized after a public hearing. Parameters would be set by local communities and not the courts. Judges aren't elected either, ladies and gentlemen. That was one of the concerns raised by several.

Clearly, by the broad support that this bill has received, the original study committee bill, you all know by now that local elected officials need this legislation. And they feel it is long overdue. In the Journal and in the newspaper accounts in the last couple of days, this Senate has passed a bill on Tuesday allowing utilities to charge consumers, through the rates, the cost of some capital improvements. So this measure isn't inconsistent with public policy already adopted by this body. This bill establishes a framework within which a community may charge a developer his fair share for capital improvements necessary to accommodate the project. As I said, it is enabling legislation. It requires nothing of the community unless the community wishes to participate. The bill requires that there be a rational connection between the fees and the project in question. This is important. There must be a clear need for the improvement. The costs assessed must be rational and reasonable, interesting words. I hope the Senate is rational and reasonable today. The project's residents must actually derive a benefit from these improvements.

We need a fair and rational process to replace the current horse trading that exists today. This bill, as amended, provides that process. The House voted in 1989, 282 to 70 to put this measure forward.

This year the positive vote increased to 292 to 57. I urge your concurrence with this overwhelming sentiment in the House. We can't expect our local communities, which we serve, to solve these problems alone. Give them the tools to create a better and more prosperous New Hampshire. Let their voices be heard today with your vote in favor of this committee minority report.

SENATOR DUPONT: Just so that everybody is aware of the process. We have a majority report and a minority report on this bill. The minority report was ought to pass, so that report was given first. We will take questions now for Senator Currier and then we will recognize Senator Freese to give the majority report of Inexpedient to Legislate.

SENATOR MAGEE: Senator Currier, are the definitions of new development and impact fees about the same in this floor amendment as they were in the original bill?

SENATOR CURRIER: Yes, Senator.

SENATOR MAGEE: Isn't it true, under the definition of new development, it covers any change of use or subdivision of land?

SENATOR CURRIER: That is correct, Senator.

SENATOR MAGEE: So as long as it affects capital expenditures, correct? Isn't it true that if I subdivide my land, change the use of my house to a duplex, that I could be assessed an impact under the bill and the amendment?

SENATOR CURRIER: If the local elected officials adopting the ordinances after the voters approved it and made that provision, that is true.

SENATOR MAGEE: Is that defined in the amendment on page 2, Roman numeral 3?

SENATOR CURRIER: Right, it is the definition of new development.

SENATOR KING: Senator Currier, would you be more specific about how the ordinance would be adopted?

SENATOR CURRIER: The ordinance would be adopted just like under the statutory authority now, other ordinances adopted in the town regarding zoning. In other words, it would have to go to the zoning board for its drafting and so forth. It goes forward to the approval of the selectman and then on to the voters for a vote, which

is required. A ballot vote is required. So that the process puts the decision for imposing impact fees back to the voters, whom I think should have the input.

SENATOR KING: So it is your opinion then, that the voters will be responsible enough not to impose impact fees on the kinds of things that Senator Magee was talking about, and use them merely as a tool to control property taxes in their town and to have some sanity to the growth process?

SENATOR CURRIER: Yes, and I think that the voters of New Hampshire are very competent and I think that they would only adopt ordinances that were fair and rational.

SENATOR FREESE: HB 1375, as amended by the House, authorizes municipalities to assess impact fees for new development, which means any building activity, material alteration of any structure or land, or any subdivision of land into two or more parcels which would result in capital improvement expenditures. The bill describes methods for the calculation of expenditure, and registration and refund of impact fees. It also makes technical changes in the existing law to provide municipalities with methods of adopting, filing, and implementing impact fees. The Senate Executive Departments held a five and a half hour hearing on Wednesday, March 21, at which time fifty or sixty people testified for and against the bill. The committee also received a great deal of additional written testimony before and during the hearing. After taking all of this information into consideration, the committee recommends that the legislation be inexpedient to legislate.

There are many reasons why the committee felt HB 1375-FN should be killed. I would like to take just a few minutes to run through some of these for you. The people who support the enabling legislation on impact fees are well-intended, but little do they realize the chilling effect it will have on the business climate, particularly for small business expansion. Concern was also expressed about the possibility that the economic consequences of impact fees may outweigh any positive effects, especially in today's slow economy. One of the controversial phrases included in the bill is public open space. This would enable municipalities to charge developers based on their public open space. How does one set a price to be assessed to developers for off-site, public open space. Nearly eighty percent of our job growth and economic expansion comes from the expansion of existing businesses and organizations, something which we try as a State to encourage. Small businesses employ ninety percent of workers, according to the Greater Concord Chamber of Commerce. The impact of these fees would be proportionately greater for these

small businesses throughout the State. We need to rev up our economic engines, encourage growth and make it possible for our young people to purchase their own homes again, not to set up new tax methods called impact fees. One of the major flaws in the bill is the lack of a formula for municipalities to go by. To have consistency and fairness, a state-wide formula should be developed. Another concern, the bill does not contain any provisions to eliminate the continuous negotiations between developers and planning boards that are plaguing the system presently. The purpose of impact fees to insure that new development is paying its fair share, not to allow towns to hold projects hostage for off-site non-impact fee items. Without a provision to prevent this, impact fees becomes just another level of negotiation. Under no circumstances should a community's operational costs or the cost of raising such funds be included in the impact fee formula. Only capital costs, directly attributable to the development, should be allowed. During the five and a half hour hearing by the Senate Executive Departments committee, there were two emphatic examples of why the State of New Hampshire should not adopt enabling impact fee legislation. The town of Merrimack has stated their impact fee plan, which incidentally is almost identical to Dover's. Merrimack has lost a potential customer, who was told by the town planner that impact fees for the town of Merrimack would amount to \$90,000 to build a 3000 square foot restaurant. The potential customer felt he could not complete the planning process before the legislature adopted impact fees and said "To hell with New Hampshire." The property would be generating about \$7000 of real estate taxes every year, plus a very healthy meals tax for the State. Another large company is proposing to build its world trading facility in Merrimack. This facility would employ about 2000 people. If they were to have to pay to the town of Merrimack a couple of million dollars in impact fees, they will find another state that wants them, where they will be glad to pay their fair share of the real estate taxes as necessary to help the community. The proponents of this legislation maintain that HB 1375 will level the playing field for developers, reduce property taxes, provide a tool for communities to manage growth. None of the above is true. In reality, HB 1375 will drive up the cost of housing, have a negative impact on the community's economic development by driving away industries, and add an additional level of bureaucracy to the cumbersome approval process. New Hampshire is a very competitive regional environment. As the New Hampshire Department of Economic Development actively seeks relocation of companies into this State from Massachusetts as well as other states, these companies may chose to relocate in a state that does not charge impact fees for expansion or new development. Allow me to give you a few figures that

will be in place in an ordinance in Dover and Merrimack should the Senate pass this legislation today. A sixteen thousand square foot factory would carry a charge of \$23,460. An eighty thousand square foot office would carry an impact fee of \$40,160. A five thousand square foot fast food restaurant would be \$183,500, a two thousand square foot day care center - \$6,216, and a ten thousand square foot church - \$10,410. Those are just a few of the figures that would be established by the present ordinance that Dover is thinking of adopting. The calculated fee for a single family residence in Dover, using the proposed ordinance, will be \$3,465 whether the house sells for \$86,000 or \$157,000. Not a very fair system. Over time, we have dealt with the expansion of subdivision ordinances, site review, wetlands, historic districts and growth management plans. All designed to slow growth. Impact fees are the ultimate weapon in this campaign and we should be concerned about that. We trust you will support the committee report of inexpedient to legislate.

SENATOR CURRIER: Senator Freese, I have three questions. They will be quick and brief. The first one is that you alluded to affordable housing. Can you tell me of any subdivision or new project in your district that sells a home \$60,000, which is in fact the affordable housing rate average?

SENATOR FREESE: Well, Senator Currier, I don't know off hand of any houses in that area, but I do know of houses in that area in other districts.

SENATOR CURRIER: And they are in the \$60,000 range?

SENATOR FREESE: In the \$60,000 range.

SENATOR CURRIER: My second question is, are you aware that Dover and the Merrimack impact fees legislation ordinances that you referred to had, in fact, not been adopted and they are not in place? And they, as a result of my minority report amendment, would be required to go back to the cities and the voters for a vote and approval.

SENATOR FREESE: I realize it is proposed only. That it hasn't been adopted, and because of the situation that has developed.

SENATOR CURRIER: My third and final question is, did not the Division of Economic Development testify in favor on behalf of this bill, the original bill?

SENATOR FREESE: I am not aware whether they did do that or not.

SENATOR MCLANE: Senator Freese, you painted a grim picture of impact fees, but as the Senator from Concord, I am well aware that in certain communities this has been a very important tool and that as a Senator from Concord who already has impact fees and has used them successfully, what will happen to my community if this bill fails?

SENATOR FREESE: Your community is not affected on what they are doing now if this bill fails. They can continue to use impact fees.

SENATOR MCLANE: Isn't it true that this bill is an entirely optional bill and that those communities that wish to adopt impact fees can under this bill, but it doesn't force any community, such as Pittsfield if you don't want it, to adopt them.

SENATOR FREESE: It is enabling legislation.

SENATOR MAGEE: Senator Freese, does this enabling legislation, in fact, enable the selectman to have the power when it comes down to putting these impact fees in place, or is it the appointed boards of commissions?

SENATOR FREESE: It is the appointed boards of commission.

SENATOR KING: In the best of all possible worlds, we would not be talking about impact fees today. Impact fees would not be necessary. But we are not living in the best of all possible worlds here. We have painted communities into a corner by the actions of this legislature, by the mandates that we have sent down to them relative to education, mandates that we have sent down to them relative to solid waste disposal, to septage disposal, any number of things that we have asked communities to do and that have added to the tax burden in those towns. People are having a very difficult time coping and I know that we all recognize that. As I understand it, the Currier amendment merely codifies what is currently case law in the State of New Hampshire and additionally adds a process that would give the citizens of a community input into how exactly that ordinance would be written. If we do not do that, we would be inviting further litigation. To maintain the status quo is to say it's okay to charge impact fees, but we are going to allow the court to make the decisions about how they are going to be established, instead of asking the legislature to do that. I don't think that that is a good precedent to set. We have, in this session of the legislature, passed our fair share of fees in order to balance our own budget. I do not think that it is a very good idea for us to say it is okay for us to pass our fees to balance our budget but we're not going to enable communities to have fees to help them balance their budget.

SENATOR ST. JEAN: Last session, this particular piece of legislation came to my committee, Internal Affairs. Since then, the economy of this State has turned downward, which I think is probably an understatement. You don't have to be a brain surgeon to realize the fragile nature of our economy. This piece of legislation is nothing more than a tax, a tax on development. With the fragile nature of our economy, we don't need that. The gentleman in the corner office, who often prides himself on talking about taxes, should realize what this is. It is a tax on development. Local towns, in most instances, probably couldn't pass this at a local level. What they are doing is asking the State to do it for them. I think that is wrong. The home builders of this State are our life blood. As far as affordable housing goes, Senator Currier asked how many \$60,000 houses are in Senator Freese's district, I was just running through my numbers, I am not so sure, but I think 20 or 30 that I have handled in the last year were between \$55,000 and \$60,000. Affordable housing in New Hampshire is available, not by choice but by a very, very bad economy. I think this bill should be voted down for what it is, a tax. Those individuals who want to explain it away by saying its legislation to allow different towns to do what they want to do, what they want to do is shake down developers and nothing more. In Concord, they do that pretty well. In most instances, they shake down people so well that a lot of developers won't even come into this city. That is wrong. What it is, is that mentality that you move into New Hampshire, you shut the door behind you and you don't want anyone else to develop in pristine places whether it be Dublin, New Hampshire or in other real nice places like Peterborough. That is not the way New Hampshire grows and that is not the way it should be. I urge that this bill be defeated.

SENATOR CHARBONNEAU: You know how I feel about impact fees that I do believe that we do need them, but, I do not believe this is the correct bill for doing that. There isn't any real formula, and I think it is going to effect the small businessman and I also feel that it is going to hurt our business climate. We are having problems now. They can go into Massachusetts and they don't have this type of thing. So I really and truly believe that we do, yes we do, need an impact fee. But I also believe that this is not the bill.

SENATOR HOUGH: I rise in support of the minority report of ought to pass with amendment as presented by Senator Currier. I respect my colleague, Senator Freese, for the work and the understanding that he has given this piece of legislation. But, I note in his remarks he alluded to impact fees as being the ultimate weapon. As we listen to Senator St. Jean and his concern about a downturn in

the economy, and as we recognize that we are not in the same position that we were in a year or two ago, we must also understand that it is right for this legislature as it is right for this State government to set public policy. The traditions of New Hampshire have been to allow local communities to manage their own destiny. There are other states that have taken a far different approach with state-wide zoning and state-wide land use legislation. This enabling legislation is consistent with the traditions of not only this legislature but of the State of New Hampshire and its relationship with its local jurisdictions. We have been fortunate to the extent that growth has brought us prosperity. But we can not allow our State to be wide open. There is general consensus that the policy of impact fees is necessary as there is criticism of the document that you have before you. This Senate has amended this legislation. There will be further work by the policy makers. I can't help but believe that given the passage of this piece of legislation, as it is amended, will give us further opportunities to perfect, if it is inadequate in its present time, in a committee of conference. To continue to walk away from a concept that is more generally agreed upon will allow for further wide open, indiscriminate and detrimental, uncontrolled development throughout the State. While we have doubled our population, we must come to realize, as I am sure that the people in the communities that border on the Commonwealth of Massachusetts have experienced, that there is a finiteness as to New Hampshire. To suggest that we could accommodate two million is to recognize that we will ultimately destroy that which we have. To the extent that we encourage harmonious development, we should encourage it to come into the State and into our communities. But there are limitations because of our size and because of our topography and because of our environment. There are limitations as to what the communities can reasonably manage. This piece of legislation allows for the debate, for the standard, for the criteria, to be developed by the citizenry in their own locale. It is the type of legislation that should be passed because it should support what is public policy in the State of New Hampshire and I would urge that you pass the Currier minority report and the amendment.

SENATOR PRESTON: I did not plan to speak, Mr. President, but I feel compelled to make a couple of statements based on what has been said. No one is out to destroy the State of New Hampshire, and two years ago when the economy was burning off its wheels, there were legitimate concerns. Frankly, I think the towns and cities do a good job and they're not going to let anyone, developers or others, to overrun the fine areas of this State. It is interesting to me that at bank meetings as of today, people aren't approving the big sub-

divisions that you are fearful of, or the big shopping center developments that you are fearful of, and they're not approving mortgages for new homes, they are sitting down determining how many non-accruing loans they have, how many places they are going to foreclose on, how much business they might give to auctioneers. That is what they are debating today. They are not debating how to keep up with the growth and what is going on here. What is going to happen is, you are going to tip over small businesses and maybe large contractors that are already in a very precarious position, trying to pay their bills. They are not just big business. They employ a lot of local people that pay taxes that are now unemployed in this whole industry. This is not the time to do anything that is going to increase the cost of homes that aren't selling. We are trying to come up with programs where people can afford to go into banks that have foreclosed on homes and say let's work something out so the working people can buy them. This is not the time. We are experiencing severe, severe economic problems in the industries. This is the time, I think, to think pro-actively, not attempt to throw a road-block in the way. Anything that we can do to encourage and help these people, is what we should be doing, not be concentrating on this legislation.

SENATOR ROBERGE: I want to agree with my colleague, Senator Preston. I think it is the wrong time to be initiating an additional tax. With the cost of homes going down, it is not the time to pass along the cost. We know that the developers are just going to pass along the cost to the potential home buyers and I disagree with this legislation at this time.

SENATOR BLAISDELL: I rise in support of Senator Freese's report. I differ with my colleague from Hanover who sits next to me in Senate Finance. We talk about the developers being a bad word. In my area, developers, I think, have acted responsibly. I think we have the controls, in my city especially, in my district that makes affordable housing available, and that is what we have today for the first time in the city of Keene, we have some affordable housing. Now if we pass something like this, it is going to send the wrong message back to my city. I think it is wrong. It is not the right time. We have done enough harm, I think, already when we passed rooms and meals and real estate transfer tax to tell the industry out there that we don't want them to grow. We have had to make some hard decisions. This is one that I will not vote for. And I would appreciate your vote.

SENATOR HOUGH: Senator Blaisdell, would you acknowledge at least, although I realize that I have very little persuasion with you and I am overlooked repeatedly, but at least recognize that I come

from a city, be it the city of Lebanon, I do not live in the factory town of Hanover. Would you acknowledge that?

SENATOR BLAISDELL: I do know that you live on Poverty Lane, so I don't think you should vote for this bill.

ROLL CALL

Roll Call on the Minority Report amendment requested by Senator Currier.

Seconded by Senator Heath.

The following Senators voted yes: Bond, King, Hough, Currier, Bass, McLane, Krasker.

The following voted no: Heath, Freese, Dupont, Disnard, Roberge, Blaisdell, Magee, Nelson, Charbonneau, Podles, Johnson, Stephen, Bartlett, St. Jean, Torr, Delahunty, Preston.

7 Yeas

17 Nays.

Amendment failed.

Minority Report: Ought to Pass.

Failed.

Majority Report: Inexpedient to Legislate.

Adopted.

Senator Currier wished to be recorded as opposed to the motion.

NOTICE OF RECONSIDERATION

Senator Delahunty served notice of reconsideration on **HB 1301**, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

COMMITTEE REPORTS

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement.

Ought To Pass. Senator Bass for the committee

Senator Bass deferred to Senator Bond.

SENATOR BOND: Right now it is legal in the State of New Hampshire to hunt with bow and arrow, with a firearm, or with a falcon. The problem that persons who hunt with falcons have is that the state law requires that you have a permit to bring any game into the State. The Department of Fish and Game has requested that we

remove that limitation as far as falconry is concerned so that one who wishes to hunt with a falcon can come into the State without having to get a game permit.

Adopted. Ordered to Third Reading.

HB 1236, relative to the fish and game commission.

Inexpedient To Legislate. Senator Bass for the committee.

SENATOR BASS: The committee closely studied and considered this bill, and came to the conclusion that it really isn't necessary to limit the terms of fish and game commissioners. The fish and game commission is working fine the way it is. The fish and game department has an excellent executive director. The committee failed to find a convincing argument that there was any reason to set a new precedent in this particular area by limiting terms. We urge the Senate to adopt the committee recommendation of inexpedient to legislate.

Adopted.

Senator Blaisdell took Rule 42.

HB 1432-FN, relative to the New Hampshire rivers management and protection program.

Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: I take it this is the rivers bill. This is probably the bill that our committee had to work the hardest on to present to you here today. It is a good job. Last session, we set up a rivers management advisory committee and asked them to set up a process for designating rivers to be protected in New Hampshire. The best thing that that bill did was to hire a young woman named Beth Petrino, who has become really the rivers coordinator and heroine for New Hampshire. I told many on the committee that two weeks ago, over a hundred people gathered in New Hampshire who were local rivers management committees inspired by the bill that we set up in the last session. It has been a long process. The bill before you sets standards for designating rivers. It calls for classifications of natural, rural and community rivers, and it designates the Saco River, in sections, the Lamprey, the Upper and Lower Merrimack, and the Swift Rivers to be designated in one of these classifications. The most important thing it does is call for local river management committees that will implement the bill. The bill sets up a review and appeal process. On the approved rivers, there will be no new dams

or no new solid waste facilities. Present dams are grandfathered in or present dams that could be changed in some way, will have a process to go through for having those changes. It, very importantly, protects clean water that we have now, and protects groups such as the Pennichuck River Basin Company which supplies clean water to Merrimack and to Hudson. I think that we have done the job. We have worked hard. We have dealt with those people who had concerns, such as the solid waste people that presently have solid waste facilities and wish to perhaps expand them at some time. So I would present the bill before you today with pride and with great feeling that this will do something for New Hampshire to keep New Hampshire's rivers as clean and as wonderful as they are today.

SENATOR KRASKER: Senator McLane has done an excellent job of giving you an analysis of this very important legislation to protect our rivers. I am happy to have had the opportunity to be a part of it and I just want to offer my personal thanks to Senator Bond for all his efforts in coordinating the many parties that were involved and had an interest in this legislation and keeping the process moving and in arriving at this final bill. Thank you.

Amendment to HB 1432-FN

Amend RSA 483:4 as inserted by section 2 of the bill by replacing it with the following:

483:4 Definitions. In this chapter:

I. "Advisory committee" means the rivers management advisory committee established in RSA 483:8.

II. "Agriculture" means agriculture as defined in RSA 21:34-a.

III. "Breached dam" means any dam which impounds water at less than 80 percent of its original design level at seasonal high flows and for which the original configuration of the dam can still be determined.

IV. "Channel alteration" means any human activity which changes the character of a river or stream channel including, but not limited to, filling, dredging, relocating, excavating, cleaning, deepening, widening, straightening or riprapping.

V. "Commissioner" means the commissioner, department of environmental services.

VI. "Dam" means any artificial barrier, including appurtenant works, across a river which impounds or diverts water.

VII. "Department" means the department of environmental services.

VIII. "Designated river" means that portion of a river which has been specifically designated by the general court pursuant to RSA 483:14.

IX. "Existing dam" means any dam which has not deteriorated or been breached or modified to the point where it no longer impounds water at 80 percent or more of its original design level at seasonal high flows.

X. "Free-flowing", as applied to any river or river segment, means existing or flowing in a natural condition without artificial impoundment, diversion, channel alterations, or other modifications and without consideration of upstream flow management.

XI. "Instream public uses" means those uses which comprise the state's interests in surface waters including, but not limited to: navigation; recreation; fishing, storage, conservation, maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

XII. "Interbasin transfer" means any transfer of water for use from one river drainage basin to another.

XIII. "New dam" means any dam which requires the construction or enlargement of any impoundment or diversion structure.

XIV. "New hydroelectric power facilities" means the construction, operation, or installation of electric generating units at dams where no hydroelectric power generation has occurred for a period of 6 years or more.

XV. "Office" means the office of planning, department of environmental services.

XVI. "Protected instream flow" means a constant minimum stream flow level established to maintain water for present and future instream public uses.

XVII. "River" means a flowing body of water or a segment or tributary of such water body.

XVIII. "River corridor" means the river and the land area located within a distance of 1320 feet of the normal high water mark or to the landward extent of the 100 year floodplain as designated by the Federal Emergency Management Agency, whichever distance is larger.

XIX. "River drainage basin" means the Androscoggin, Coastal, Connecticut, Merrimack, Piscataqua, and Saco river basins as delineated on a map compiled by the department.

Amend the bill by replacing section 7 with the following:

7 Rivers Management Committee. Amend the introductory paragraph and paragraphs I and II of RSA 483:8, to read as follows:

483:8 Rivers Management Advisory Committee; Establishment. There is established a rivers management advisory committee appointed by the governor and council. At least 3 committee members shall represent the North Country[.] **and all members shall be New Hampshire residents.**

I. The advisory committee shall include:

(a) A representative of public water suppliers who shall be an officer or employee of any municipal or privately owned water works in the state.

(b) An elected municipal officer nominated by the New Hampshire Municipal Association.

(c) A member of the fish and game commission.

(d) A representative of the Business and Industry Association chosen from a list of 3 nominees.

(e) A representative of the Granite State Hydropower Association chosen from a list of 3 nominees.

(f) A conservation commission member chosen from a list of 3 nominees submitted by the New Hampshire Association of Conservation Commissions.

(g) A representative of the conservation community chosen from a list of 3 nominees submitted by the Society for Protection of New Hampshire Forests, Audubon Society, and the New Hampshire Wildlife Federation.

(h) A representative of recreational interests chosen from a list of 3 nominees submitted by the New Hampshire Rivers Campaign and the Appalachian Mountain Club.

(i) A representative of historic/archaeological interests chosen from a list of 3 nominees submitted by the New Hampshire Historical Society.

II. The director of the office of state planning, the executive director of the fish and game department, [and] the commissioner of resources and economic development, **and the commissioner of the department of agriculture** or their designees shall serve as nonvoting members of the committee.

Amend RSA 483:9, VI as inserted by section 10 of the bill by replacing it with the following:

VI. Any new solid waste storage or treatment facility, as defined in RSA 149-M:1, VIII shall be set back a minimum of 250 feet from the normal high water mark of a designated natural river or segment and screened with a vegetative or other natural barrier to minimize visual impact, except:

(a) New solid waste landfills shall not be permitted within the corridor of a designated natural river or segment;

(b) Existing, permitted and secure solid waste landfills shall not be expanded within the 500 year floodplain of a designated natural river or segment and any expansion of such a landfill located within the corridor of a designated natural river or segment shall be set back a minimum of 100 feet from the landward extent of the 500 year floodplain and screened from the river with a vegetative or other natural barrier to minimize visual impact;

(c) Any land application of solid waste as defined in RSA 149-M:1, XIX, except manure used for fertilizer, shall be immediately incorporated into the soil and shall be set back a minimum of 250 feet from the normal highwater mark of a designated natural river or segment;

(d) An existing solid waste facility which is located within 250 feet of the normal high water mark of a designated natural river or segment may continue to operate under an existing permit provided it does not cause degradation to an area in excess of that area under permit at the time of designation; and

(e) The department may permit a resource recovery operation at an existing landfill located within 250 feet of the normal high water mark of a designated natural river or segment.

Amend RSA 483:9-a, IV as inserted by section 11 of the bill by replacing it with the following:

IV. No new channel alteration activities or construction or expansion of a public water supply shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve the construction or expansion of a public water supply or temporary channel alterations in conjunction with the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural rivers.

Amend RSA 483:9-b, IV as inserted by section 11 of the bill by replacing it with the following:

IV. No new channel alteration activities or construction or expansion of a public water supply shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve the construction or expansion of a public water supply or temporary channel alterations in conjunction with the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural rivers.

Amend RSA 483:9-b, VI as inserted by section 11 of the bill by replacing it with the following:

VI. Water quality shall be restored or maintained at least at the Class B level. Significant adverse impacts on water quality or other instream public uses shall not be permitted. The department shall

review and consider adopted local river corridor management plans prior to issuing any permit under RSA 485-A:13, RSA 485-A:17 or RSA 482-A.

Amend RSA 483:9-c, I as inserted by section 11 of the bill by replacing it with the following:

I. The commissioner, in consultation with the advisory committee, shall adopt rules under RSA 541-A specifying the standards, criteria, and procedures by which a protected instream flow shall be established and enforced for each designated river or segment. Each protected instream flow shall be established and enforced to maintain water for instream public uses and to protect the resources for which the river or segment is designated. Instream public uses shall include the state's interests in surface waters, including, but not limited to, navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

Amend RSA 483:12-a as inserted by section 14 of the bill by replacing it with the following:

483:12-a State Action; Notification of Rivers Coordinator; Petition for Review.

I. Any state agency considering any action affecting any river or segment designated under this chapter shall notify the rivers coordinator prior to taking any such action. Such agency shall forward to the rivers coordinator for review and comment copies of all notices of public hearings, or, where a public hearing is not required, a copy of the application for issuance of a permit, certificate, or license within the designated river or corridor under RSA 485-A, RSA 12-E, RSA 270:12, RSA 482, RSA 482-A, RSA 149-M, or RSA 147-A. If an agency is notified by the rivers coordinator that a proposed activity would violate a protection measure under RSA 483:9, 483:9-a, or 483:9-b, such agency shall deny the application.

II. If an application is denied solely because the proposed activity would violate a protection measure under RSA 483:9, 483:9-a, or 483:9-b, the applicant may petition the commissioner for a review. Within 30 days of receiving such a petition, the commissioner, in consultation with the advisory committee and the appropriate local rivers management advisory committee, shall review the application. If the commissioner determines that the proposed activity is consistent with the character of the designated river or segment or that the proposed activity would provide a public benefit sufficient to outweigh the public benefit of a protection measure under this chapter, the commissioner shall submit to the speaker of the house and the president of the senate a recommendation that the proposed

activity be allowed to proceed. Such recommendation shall require review and approval by the general court and shall be filed as a bill in the next legislative session following the petition.

Amend RSA 483:14 as inserted by section 15 of the bill by replacing it with the following:

483:14 Rivers Designated for Protection. The following rivers and river segments are designated as protected:

I. Lamprey River - mainstem from the Epping-Lee town line to the Durham-Newmarket town line as a "rural river." Notwithstanding any other provisions of this chapter, the division of water resources shall not approve the use of flashboards under RSA 482:29 to increase the height of any existing dam within this segment of the Lamprey River.

II. Merrimack River - mainstem from the Bedford-Merrimack town line to the New Hampshire-Massachusetts state line as a "community river." Nothing in this chapter shall be construed to limit complete capacity utilization, not to exceed 30 million gallons per day, or any construction or repairs required to achieve such utilization of the existing intake facilities of Pennichuck Water Works situated on the western bank of the Merrimack River in the vicinity of Chase Brook, so-called. This paragraph shall not affect any private right in the Merrimack River and shall not relieve Pennichuck Water Works, or its successors and assigns, from compliance with other laws or rules under the state's police power.

III. Merrimack River - mainstem from the confluence of the Winnepesaukee and Pemigewasset Rivers in the city of Franklin to Garvins Falls in the town of Bow as a "rural river."

IV. Saco River - mainstem from the base of Saco Lake dam to the Harts Location-Bartlett town line as a "natural river" and from the Harts Location-Bartlett town line to the New Hampshire-Maine state line as a "rural river." Nothing in this chapter shall prohibit the normal repair or maintenance of the Willey House dam in Crawford Notch State Park.

V. Swift River - mainstem from its headwaters to the Albany-Conway town line as a "natural river" and from the Albany-Conway town line to its confluence with the Saco River in Conway as a "rural river."

Amend the bill by replacing all after section 20 with the following:

21 Purpose. Amend RSA 483:1 to read as follows:

483:1 Statement of Policy. New Hampshire's rivers and streams comprise one of its most important natural resources, historically vital to New Hampshire's commerce, industry, tourism, and the quality of life of New Hampshire people. It is the policy of the state to ensure the continued viability of New Hampshire rivers as valued economic and social assets for the benefit of present and future gen-

erations. The state shall encourage and assist in the development of river corridor management plans and regulate the quantity and quality of in-stream flow along certain protected rivers or segments of rivers to conserve and protect outstanding characteristics including recreational, fisheries, wildlife, environmental, cultural, historical, archaeological, scientific, ecological, aesthetic, [and] community significance, **and public water supply** so that these valued characteristics shall endure as part of the river uses to be enjoyed by New Hampshire people.

22 Pennichuck Water Works.

I. Consistent with the best interests of the public as a whole and with state ownership or stewardship over such water bodies, Pennichuck Water Works and its successors and assigns is hereby authorized to take water from the Merrimack River in an amount not to exceed 30 million gallons per day and in such a manner as is consistent with the complete capacity utilization of its existing intake facilities situated on the western bank of the Merrimack River in the vicinity of Chase Brook, so-called. If the New Hampshire department of environmental services determines that cessation, reduction or other modification of such withdrawal is necessary for the preservation of environmental quality, protection of water quality, regulation of water quantity, or protection of habitat, Pennichuck Water Works or its successors or assigns shall, pursuant to written notice and order, cease, reduce, or modify its withdrawal as directed, provided that such order shall expire after 10 days unless during such 10 day period a public hearing is held by the department and a decision is made to extend such order. The department shall adopt rules under RSA 541-A establishing criteria and procedures for issuing such orders for such special hearings and for making such decisions.

II. Private Rights. This act shall not affect any private right in the Merrimack River and shall not relieve Pennichuck Water Works, or its successors and assigns from compliance with laws or rules under the state's police power.

23 Effective Date.

I. Section 17 of this act shall take effect July 1, 1990.

II. Section 22 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

Senator Roberge wished to be recorded as opposed to the amendment.

HB 1438, relative to goals and objectives for reduction of solid waste.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill had a rocky start in the House and originally went to the floor there inexpedient to legislate, sixteen to nothing, but was overturned on the House floor and was sent to us. It establishes goals and objectives for the reduction of solid waste for the State. It determines the priority of source reduction, recycling, reuse and composting, waste to energy technologies and incineration without resource recovery and landfilling, in that order as being how the State would chose to prioritize the disposal of solid waste. The third part of the bill states that it is the State's goal to establish a 40 percent minimum weight reduction in the solid waste stream prior to the year 2000. What this means is that of those five priorities, the first two of source reduction and recycling are the most important and that 40 percent of all solid waste reduction will be handled through that. The amendment on page 22 addresses that. There is no intent, there is no way to read into this bill, that incineration is one of the forms of source reduction to achieve the 40 percent. I would like that clear for the record. The amendment also deals with an issue that has become apparent very recently and that is the problem with automobile batteries and household batteries and what they contribute to heavy metals in the waste stream both in landfills and in incineration. The Department of Environmental Services has requested this amendment which requires reporting of disposal of wet cell batteries and beginning January, 1993, no wet cell battery shall be disposed of in a solid waste landfill facility or incinerated whether in a waste to energy facility or otherwise. In fact, wet cell batteries have enough scrap value so that now they do not go into the incinerators in most cases, although out of the twenty seven hundred tons of them disposed of each year, there are still some five hundred tons that are unidentified. The intent of this legislation is to keep those visible and in the recycled stream. There is one other part to this amendment and it deals with the cost to out-of-state solid waste generators who are shipping their waste into the State of New Hampshire. The State of New Hampshire deals with the disposal of approximately one million tons of solid waste a year, 350 thousand tons of that waste come from outside of the State. It costs us approximately \$1 million to oversee the disposal of solid waste including the air testing of generating facilities and incinerators, and the oversight of landfills. It is the intent of the Department of Environmental Services to collect \$1.00 per ton from all out-of-state generators to meet the cost of the oversight of that out-of-state waste that comes into the State. Included in this is waste that comes from Vermont which goes presently to the generating facility in Claremont. This bill as it is amended here would provide that those

generators in Vermont who ship their waste to the Claremont generating facility would be subject to that \$1.00 per ton fee. The cost would be charged back to the Vermont towns, it would not be charged to the facility or the New Hampshire towns. The reason for this is that we must be consistent in light of the federal interstate commerce provision of the constitution. We have to be consistent, number one, in that the cost that we charge to the out-of-state generator is identifiable as a cost that we incur, and number two, that that cost be consistently applied to all out-of-state trash that comes into the state. For that reason, the Department has asked that this definition of out-of-state solid waste be included.

SENATOR DISNARD: Was the last presentation by Senator Bond on a floor amendment that hasn't been passed out, or was that part of this bill?

SENATOR DUPONT: Senator Bond addressed the committee amendment as printed in the calendar.

SENATOR DISNARD: I speak against the amendment. I was told it was going to be a floor amendment on the \$1.00 per charge for tonnage coming into the State from out-of-state on a fairness issue. This legislature passed several weeks ago a one dollar per ton for solid waste coming into this State. Thirteen communities in Vermont were exempted. We have a New Hampshire, Vermont solid waste district. Agreements have been signed. Now the statement has been made by other people that Vermont is not paying their fair share of the solid waste problems coming into a waste to energy incinerator in New Hampshire. I wish to call your attention to the fact that Vermont bonded, in Vermont, the cost of land ash fill, not New Hampshire. Vermont gave New Hampshire \$300,000 for recycling that does not have to be repaid. New Hampshire didn't give anything towards the recycling. The office is located in Claremont. While Senator Bond indicated in his presentation that the batteries, recycling is a wonderful thing, but do you know that this Vermont grant of \$300,000 has been recognized by the EPA, the federal EPA, as the best battery recycling in the nation. The man that this \$300,000 helped pay for, which New Hampshire gives nothing towards, was asked by EPA to go to Raleigh, North Carolina to present it. Think of the benefits that we are getting. Do you know that leachate, that is the fluid from the ash land fill, was costing the districts towns, 15 in New Hampshire and 13 across the river, 38 cents a gallon, not a ton, not a barrel, but a gallon to dispose of. Vermont, to help the New Hampshire communities and their 13, was able to get Springfield, Vermont at only 15 cents a gallon to put this leachate through their waste plant. Also, there is a \$567,000 tax paid

to Claremont of which the Vermont towns pay almost fifty percent. There is an 81 percent tax paid to the community of Newport of which these thirteen communities pay fifty percent. Also, Vermont gave, gave no strings attached, \$150,000 grant for the construction of the ash land fill in Newport.

This did not have a public hearing. I don't even think it was voted on in DevRec. I just want to call your attention. If you think it is fair, let's ask for a public hearing, but if you think Vermont and these communities which have a signed contract which the legislature approved several weeks ago, are now having the screws put to them by penalizing these thirteen towns, I think we ought to think about it.

SENATOR MAGEE: Senator Disnard, if I represent Nashua and some communities that may have a problem with enough trash and we have to re-align our waste district because of the fact that new plants have been built and in other areas of the state are under construction, would I not be in trouble if I supported this amendment?

SENATOR DISNARD: Yes, you would be in trouble. Also, you triggered something in my mind as an answer. The rest of Vermont that is not part of the land group would still be paying a dollar per ton. This is just these thirteen communities. And while you are thinking about it, \$20,000 is what would be coming from the other communities.

SENATOR BOND: I would like to correct one thing that Senator Disnard said. Yes, there would be a \$20,000 loss if those people get to be exempted from the dollar per ton fee. But we would actually lose \$350,000, in fact, because if we are inconsistent in how we apply the dollar fee to all out-of-state shippers of waste into the State, then we are going to lose it for all of them. The only exception would be the case of these people who have a contract in Claremont. The other thing is that those who dispose of their trash in Vermont pay a five dollar fee, those who are doing it in New Hampshire are getting it for free. This would mean that they would now have to pay a dollar.

SENATOR PRESTON: Senator Bond, I was just made aware of this this morning, but would it be appropriate to exempt communities from out-of-state that are already involved in a cooperative effort as are the communities in Senator Disnard district. It seems to be working well. Those Vermont communities are paying their share. We are taking certain leachate materials, disposing of them in Vermont. I am just fearful, in these cases where you have a geographic border where they are already cooperating, that you might ignite a situation here that the reaction to what we do could have severe impact on a cooperative such as the Senator referred to.

SENATOR BOND: Senator Preston, we are dealing with two different issues here. One is a contractual obligation between the communities and the incinerator. The other is the effort on the part of the State of New Hampshire to cover its costs relative to the supervision of solid waste disposal. It is the rationale of the Department that those communities in New Hampshire that are disposing are carrying the costs for all disposal and that the outside communities should be carrying their share of the cost which comes to approximately a dollar a ton, based on a million tons divided by a million dollars worth of expense. So the thought is that we should apply that dollar to all out-of-state waste. If we are inconsistent in that application, if we don't charge some out-of-state suppliers of solid waste to our State, then we haven't got a case to defend the collection of that \$350,000.

SENATOR PRESTON: Then I agree with you that that being hauled in from out-of-state that in cases like this where I understand from Senator Disnard that they are paying their share of the disposal waste for what they are doing and they are cooperating by accepting other materials into their State. They are paying their share now. They are not like the other persons that you refer to, unless I misunderstand the whole thing.

SENATOR BOND: It is my understanding that the arrangements that they have made with the State of Vermont and others do in fact offset costs. But that those are dealing with the costs of the removal of solid waste, they are not dealing with the problem of the State of New Hampshire's supervision of solid waste disposal.

SENATOR BLAISDELL: Senator Bond, Senator Disnard brought up an issue that is very close to me. Would you object if we laid this bill on the table so we could get some more information? I know that this bill is very important.

SENATOR BOND: Senator, I wouldn't object if it went on the table as long as it comes back because it is very important. The other parts of the bill are extremely important to the State.

Senator Blaisdell moved to have **HB 1438** Laid on the Table.

Adopted.

HB 1062, relative to record books kept by registers of deeds.

Ought To Pass With Amendment. Senator Freeze for the committee.

SENATOR FREEZE: HB 1062 provides the register of deeds in this State to update their records by preserving original deeds on optical discs, instead of on microfilm. The amendment is in today's

calendar for this bill and it simply clears a title on a piece of land in Laconia for the Belknap County register of deeds. The committee recommends passage.

Amendment to HB 1062

Amend the title of the bill by replacing it with the following:

AN ACT

relative to record books kept by the registers of deeds and relative to the relinquishment of any rights of the state in certain real property owned by Winconia, Incorporated in Laconia, New Hampshire.

Amend the bill by replacing all after section 1 with the following:

2 Real Estate Interests of Winconia, Incorporated. The state of New Hampshire may have certain superior rights in a portion of real estate on Lake Winnisquam in Laconia, New Hampshire owned of record by Winconia, Incorporated, a New Hampshire corporation with a registered office in Concord, New Hampshire. The state's rights result from artificial and natural fill added along and to the lakefront in the early 1900's by predecessors in interest to and abutters of Winconia, Incorporated. The real estate is located at 210 Fair Street in the city of Laconia, as shown on Laconia tax assessor's map 132, sheet 74, lot 4A, and is described in the instrument recorded in the Belknap county registry of deeds at book 889, page 870. The general court finds that the confirmation of Winconia, Incorporated's superior and exclusive ownership in and to any and all filled land constituting part of such real estate is consistent with the protection of public rights and of private landowners generally.

3 Grants of Rights to Winconia, Incorporated.

I. Grant of Rights. The state of New Hampshire hereby grants to Winconia, Incorporated all of its right, title and interest in and to the real estate described in section 2 of this act, including any previously-filled land lying above the current highwater mark of Lake Winnisquam. This grant shall be evidenced by an instrument conveying such rights to Winconia in the form specified in paragraph II. Such instrument shall be in writing, executed and acknowledged by the state treasurer, attested by the secretary of state, and recorded in the Belknap county registry of deeds. The instrument shall be accompanied by an attestation of consideration, in the form required by RSA 78-B:10, executed and acknowledged by the state of New Hampshire as grantor and Winconia, Incorporated as grantee. Nothing in this act or in such instrument shall include or be

construed as the grant of permission or other right to fill additional land after the effective date of this act, except as otherwise permitted by law.

II. Form of Instrument.

DEED

The state of New Hampshire, an independent body politic with a mailing address of State House Plaza, Concord, New Hampshire 03301 ("grantor"), for valuable consideration, grants to Winconia, Incorporated, a New Hampshire corporation with a mailing address of 9560 SW Hermann Road, Tualatin, OR 97062 ("grantee"), all of the grantor's right, title and interest in and to the land and building located at 210 Fair Street, Laconia, New Hampshire, and more particularly described in the Warranty Deed recorded in the Belknap County Registry of Deeds at book 889, page 870, and dated December 19, 1984, from John A. MacAllister and Dorothy F. MacAllister to grantee (the "Premises"). The Premises and Grantor's conveyance herein shall include the entire Lot 4A as shown on the plan entitled "Proposed Subdivision of Belknap Industries, Inc., Fair Street, Laconia, NH" by Harold E. Johnson, Inc., Dated March, 1978, Scale 1' = 50', recorded in the Belknap County Registry of Deeds in Plan Book 69, Pages 29 and 30, and specifically includes any and all filled land existing on the date hereof above the current highwater mark of Lake Winnisquam.

This deed is given and delivered pursuant to 1990 N.H. Laws Ch. .

IN WITNESS WHEREOF, the State of New Hampshire has caused this instrument to be duly executed, acknowledged and delivered this _____ day of _____, 1990.

THE STATE OF NEW HAMPSHIRE

Witness By: Its Treasurer,
Duly Authorized

ATTEST:

New Hampshire Secretary of State [Seal]

STATE OF NEW HAMPSHIRE

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1990 by _____, the Treasurer of The State of New Hampshire, an independent body politic, on behalf of the State.

Notary Public/Justice of the Peace

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill allows registers of deeds to record and preserve original deeds on optical disk in addition to or in lieu of microfilm.

This bill also relinquishes certain rights the state of New Hampshire may have in real estate owned by Winconia, Incorporated in Laconia, New Hampshire.

Amendment adopted. Ordered to Third Reading.

HB 1073, relative to sales representatives' contracts.

Ought To Pass With Amendment. Senator Disnard for the committee.

SENATOR DISNARD: The Executive Departments Committee requests ought to pass. This bill refers to when a sales person passes away. We have had several examples, one specifically yesterday at the hearing, where a salesman passed away, the widow and two children were unable to receive commissions from the company that her husband had earned. They had to go to Boston, spend four days, pay half the commission to attorneys fees, and all this bill says "when you pass away, die, your employment is terminated." That is all it says.

Amendment to HB 1073

Amend the bill by replacing section 2 with the following:

2 Reference to Notification of Death. Amend RSA 339-E:2, I(c) to read as follows:

(c) The number of calendar days, up to a maximum of 45 days, after the date of termination **or notification of death** when all commissions due shall be paid; and

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

HB 1285, relative to agricultural labor and unemployment compensation.

Ought To Pass. Senator Disnard for the committee.

SENATOR DISNARD: The Executive Departments committee requests ought to pass. HB 1285 might be misleading by its analysis. All this bill does, if you are a large farmer and you pay \$20,000 or more in wages, if you have ten or more people who work for you, you

have no choice but you must pay the federal unemployment tax from which you receive no benefit, for which your workers receive no benefit but you have paid some costs for. The only way you can lower a rate which you pay to the Feds is by being covered by the State. So with the law the bigger, year-round, high tech farms in New Hampshire can save money, come under the state unemployment insurance law, have their workers receive some benefits if they apply to the State and lower the amount that they have to pay to the feds. This will not affect any small farmer. This will not affect the State in any way, because the state unemployment tax is figured on experience factor. It is interesting to note that the Commissioner of Agriculture approves of this bill and all the other agencies in the State that are connected approve of this bill. All it does is bring in farm workers under the unemployment situation for which their employer pays a tax.

Adopted. Ordered to Third Reading.

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor.

Ought to Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill was recommitted to the Executive Departments committee to take a look at whether or not it was inconsistent with other policies relative to passing on labor grades in relationship to HB 250 and 350. The committee has taken a look at it. The specific need for the actuary is very important and we recommend that the bill go forward as ought to pass.

SENATOR NELSON: I was just interested in where we came up with \$15,000 to pay a fellow to increase the grade from N to P when we have laid off people in the State? I don't deny that the man isn't a good man, but I was just curious if you could address how you can come up with \$15,000 for this gentleman when people are out of work?

SENATOR CURRIER: The Insurance Department, as you well know, Senator is paid by fees. It is a self-funding department. This means that that money is passed on to them and then on to you as the consumer.

SENATOR NELSON: That is all well and good, but the question is, isn't there anything else that we can do with the money in that department to help the consumers in this State rather than giving someone a \$15,000 raise, when 217 people of this State are being laid

off. You mean there is no other opportunity for us to save the consumers money in this State but to put it into a raise for someone?

SENATOR CURRIER: Senator, part of the problem with the insurance industry is, as you probably know and I don't know if you understand your insurance policies, but I certainly don't understand it and I put a lot of faith in my agent. The actuary is a very complicated and involved process. That particular individual is off the pay scale with regard to private sector. That is where the figure comes from. I am not sure are you referring to the insurance commissioner? That is another case where they have the situation where private sector salaries are not commensurate with what the State is paying and in order to get a top notch qualified person to hold that job, we need to do this.

SENATOR NELSON: Senator Currier, I said this all backwards with my question. That is, I understand the need for the actuary because I sit on the rules committee and it is cheaper to hire him than it is to pay the fees we are paying. But, the \$15,000 comes from the fees. What I am asking you is why the consumers of the State of New Hampshire from the fees that they pay, are paying for this person's increase. Was that taken into account?

SENATOR CURRIER: Yes, I am sure it was. Just like it was with every other fee that we passed on to the consumer this session.

Adopted. Ordered to Third Reading.

Senator Nelson, Charbonneau and Heath wished to be recorded as opposed to the motion.

HB 1103-FN, relative to the regional fuel tax agreement.

Ought To Pass With Amendment. Senator Currier for the committee.

SENATOR CURRIER: The amendment to this bill is on page 8 of today's calendar. This was another bill that was recommitted for a further look. One of the problems that the Transportation Committee had was that we weren't exactly sure at the time as to what this did in terms of the actual agreements, what the regional fuel tax agreements were. We wanted to make sure that we weren't giving the authority to the commissioner or any other level in terms of rule making authority to impose taxes or interests or other fees. We have looked at it in the committee and basically that is what the committee amendment does. It says "provided however, that rules shall not be set, any taxes, fees or interest." We recommend that the bill ought to pass with amendment.

Amendment to HB 1103-FN

Amend RSA 260:65-b as inserted by section 3 of the bill by replacing it with the following:

260:65-b Regional Fuel Tax Agreement Authorized. The commissioner is hereby authorized, **pursuant to RSA 21-P:14, VI**, to execute all documents and perform all other acts necessary to enter into and carry out the provisions of a multi-jurisdictional regional fuel tax agreement, to be known as the regional fuel tax agreement. The commissioner may adopt, pursuant to the provisions of RSA 541-A, such rules as are necessary to enforce the terms of this agreement, which shall have the effect of law, and which shall provide for each of the member states to collect fuel taxes and perform audits on behalf of the other member states, **provided that the rules shall not set any taxes, fees, or interest rules.**

Amendment adopted. Ordered to Third Reading.

HB 1143, relative to registration and operation of OHRVs.

Ought To Pass. Senator King for the committee.

SENATOR KING: HB 1143 does two things. It allows the Executive Director of the Bureau of Off Highway Vehicles to enter into a contract with another State agency in order to establish a registry of OHRVs. It also provides that no person should operate an OHRV if that person's drivers license has been revoked or suspended. The committee recommends it's adoption.

Adopted. Ordered to Third Reading.

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel.

Ought To Pass. Senator Currier for the committee.

SENATOR CURRIER: This bill was the most controversial bill heard by the Transportation Committee to date, because of a proposed amendment that would change jurisdiction of state police. However, the amendment hasn't come forward. Based on the merits of the bill allowing emergency lights for private vehicles for hospital personnel in terms of responding to emergencies at some of our more rural hospitals, delays in the Conway area were alluded to in terms of the traffic there, and this bill was recommended ought to pass without any amendment and I would urge the full Senate's adoption.

Adopted. Ordered to Third Reading.

HB 1415, relative to OHRV safety and training.

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: This bill was at the request of the Department of Fish and Game. It provides that those who drive a vehicle under 12 must have an adult present under this law. They must be accompanied by someone over the age of 18 so that they be allowed to drive on their lands and adjacent properties. Currently, it is illegal for anyone under 12 to ride under the law.

Amendment to HB 1415

Amend RSA 215-A:29, I as inserted by section 1 of the bill by replacing it with the following:

I. No person under 18 years of age shall operate an OHRV unless he is accompanied by a person at least 18 years of age who is licensed to operate an OHRV, and who has assumed the legal responsibility, and who shall be liable according to law for personal injury or property damage to others which may result from such operation. The provisions of this paragraph shall not apply to a person operating on land that is owned or leased by his parent, grandparent or guardian, or as provided in paragraph II.

Amendment adopted. Ordered to Third Reading.

ANNOUNCEMENTS

SENATOR BARTLETT: Yesterday, I had the privilege of attending the opening of the Christa McAuliffe Planetarium. It is one of the finest experiences I have had since I have been in the Senate. I think of the two people who served on that committee here, Senator McLane and Senator Heath. They are both very proud of what has happened over there and how it has been put together. As I talked to the media yesterday afternoon, I told them that I thought that this was a do not miss show. Don't miss this because it is great and it is going to get better. They tell me that 10,000 students are going to be in there within the next eight or ten weeks before the end of classes. I think there were many of us who had questions when we appropriated the money and what the end result was going to be. I think if you ever had a question, now is the time to go over and take a look at it, enjoy it. It is something to be very proud of and I think we should give a rousing thanks to both Senators Heath and McLane for their efforts on the State's behalf.

Recess.

Out of Recess.

Senator Freese in the Chair:

COMMITTEE REPORTS

HB 1424-FN, regulating abortions.

Majority report: Inexpedient To Legislate. Senator Podles for the majority.

Minority report: Ought To Pass With Amendment. Senator Bass for the minority.

SENATOR BASS: First I would like to explain the bill. The bill after the statement of intent, essentially permits abortion in the first two trimesters and sets certain restrictions on abortions during the last trimester. The only exceptions to this prohibition on abortion would be if the life or health of the woman was in danger or if the fetus had a life threatening physical or congenital abnormality. As a result of conversations and discussions which have occurred subsequent to the House vote on the original bill, those of us who support this bill came to a consensus that it is necessary and desirable to substitute different language for the term twenty-fifth week of pregnancy or thereafter. As a result of that, I am proposing today an amendment that substitutes the term 'fetal viability' for the original language of prior to the twenty-fifth week of pregnancy. The amendment basically states that abortion shall not be performed after fetal viability unless the woman's physician determines that such a procedure is necessary for the preservation of the life or health of the woman or that the fetus has a life threatening physical or congenital abnormality. Then it goes on to define fetal viability as when, in the judgment of the attending physician, there is a reasonable likelihood that fetus is capable of sustained survival outside of the womb. The question may come up as to what outside of the womb means. It is my interpretation of life outside of the womb as being that which could be supplied using all available, accepted medical procedures. Obviously, incubators, life support systems and other types of life support would be certainly permitted under this. I also added at the end of the amendment a severability clause. I would like to speak to the amendment for a second. It really constitutes a significant difference from the original bill, in that it takes the arbitrariness of twenty-four weeks out of the issue area and substitutes a term that is more generic to the process. It takes the issue out of the calendar and puts it into the medical community where it best belongs. It satisfies the concerns of some individuals who feel that there is some possibility that viability may occur prior to twenty-four weeks. It basically protects fetuses that may be viable, because the best peo-

ple who are qualified to make that determination will be in a position to do so and it will not be set in statute. I want to urge the Senate to adopt this amendment. In order to save time in repeating the debate, I would also like to take this opportunity to speak to the main motion. There will be people speaking here today who will speak to the question of separation of Church and State, who will speak to religious and other issues. I would like to address myself to a phenomenon that I have seen occurring in this State and hopefully in this Country over the last year, which I think is quite incredible. One may ask why is New Hampshire considering a bill that allows for abortions up to viability, whereas we hear in other states the exact opposite occurring in that there are issues coming before other legislatures to severely restrict the availability of abortions. Why is this occurring in the State of New Hampshire? I will tell you. There has been a lot of thought and a lot of discussion over the last year amongst New Hampshire citizens, farmers, businessmen, you name it, and New Hampshire is indeed unique, because New Hampshire believes in independence and the independence of the individual and less government. New Hampshire people recognize that when the government gets involved in things, they usually mess it up, and nobody benefits in the end. I would observe that as a life long Republican and a conservative Republican, this is the position that I chose to take. Because I think that individuals freedom, less government, less government intervention and the rights of men and women in this society to make decisions for themselves and to keep government out of our households and our bedrooms is a priority for those individuals who believe in this philosophy. I want to urge this body to adopt this amendment. It is a compromise amendment. It is an amendment that I find to be acceptable to a lot of people who had doubts about the original version, and I hope you will pass the rest of the bill and send it back to the House.

SENATOR KRASKER: I wish to speak in favor of HB 1424 and in favor of the bill as amended by the Bass amendment. Seventeen years ago, in a landmark decision, *Roe v. Wade*, the Supreme Court of the United States affirmed the right of women to make their own reproductive decisions without government interference. Because of this historic decision, the women of New Hampshire have been able to decide whether to complete or to terminate a pregnancy based on their own religious, moral, and ethical beliefs, on their own unique circumstances and relying on the advice and support of family, clergy, doctors and friends. HB 1424 establishes a policy for New Hampshire based on that right. It enacts the *Roe* decision into law. And with the Bass amendment affirms non-governmental interference in what must remain a personal and a private decision. It safe-

guards the reproductive rights of New Hampshire women who have lived with the protection of the Roe decision since 1973. The action of the Supreme Court on July 5, 1989 in the Webster decision, which is their first move toward overturning the Roe decision, makes enactment of HB 1424 both necessary and imperative. If Roe is overturned three archaic New Hampshire laws which make abortion a crime will become operative and will deny New Hampshire women their constitutional right to reproductive privacy. We can not turn back the clock. On April 18th of last year, we in the New Hampshire Senate by a vote of 13 to 11 upheld the reproductive rights of New Hampshire women by voting for legislation which prohibited governmental interference in the decision to complete or to terminate a pregnancy. I believe it was a stunning moment of Senatorial responsiveness, which was made all the more dramatic because of the extraordinary pressure of many organized groups. Men and women, Senators from different religious backgrounds, exercised a constitutional responsibility as elected officials to respect and to protect the rights of our constituents. We recognized a year ago that the difference regarding termination of pregnancy is not between moral people who value life and immoral people who do not, but between those with differing moral and religious traditions and understandings. I ask for the same recognition today as we vote on HB 1424. HB 1424 as amended does not promote abortions, rather it provides choices for women's lives. It allows women to make these choices in accordance with their own conscience, and personal religious beliefs. No one who is opposed to abortion for any reason, religious or otherwise, need ever have one. But HB 1424 maintains the right of the majority of women to reach a different decision should that ever be necessary based on their own religious and moral beliefs. A year ago, I stood here and told you that according to the tenets of my faith, termination of pregnancy can be a religious requirement. If a pregnancy endangers the life of the mother it is not a matter of choice, it is mandatory. I have received, as have you I am sure, letters and communications from clergy of other religious faiths urging my support for HB 1424 because, in the words of one of the writers, it allows people of all faiths to adhere to the convictions of their own religion. HB 1424 encompasses more than reproductive rights. It preserves our cherished right of religious freedom and the first amendment separation of Church and State. The men and women who founded this Country were religious dissidents. They guaranteed religious freedom for themselves and succeeding generations through constitutional guarantees of religious freedom. We have the constitutional right to profess different religious beliefs and to act in accordance with these beliefs, and this is true in the matter of preg-

nancy. (Tape inaudible) HB 1424 as amended by Senator Bass provides that protection. And I urge you to support it.

SENATOR PODLES: HB 1424 legalizes unrestricted abortions on demand. It allows abortion for any reason, at any time through the twenty-fourth week of pregnancy. It allows abortions to protect for health, be that physical, mental or emotional, up to the time of delivery. It is the most liberal bill in the nation. It sends a chilling message across the whole State. The majority of New Hampshire citizens reject the idea of abortion on demand. Some representatives across the hall, who voted for the last abortion bill chose not to support this bill. There is no oversight, restrictions, no limitations in the bill. It does not apply to cases of rape, incest, fetal malformation, or risk to the life of the mother. It is an extreme bill which legitimizes 97 percent of abortions which are done for convenience and addresses the bill as a means of birth control. We were told in committee that 60 percent of the doctors will not perform abortions. Massachusetts doctors are driving one hour each day to New Hampshire to perform those abortions. By passing HB 1424, we will build a new million dollar industry in New Hampshire. Instead of offering pregnant women an immoral cure, our position should be to work to help those women, the unwed mothers, the abandoned wives, those who find themselves in a difficult position and are without support and for whom abortion seems to be the only alternative. The real answer to the abortion problem is not changing the laws. What we need is changed hearts. And no amount of rhetoric about choice will change the horror of ending an innocent life. HB 1424 is not a compromise bill. It represents only the choice of position. The committee recommends inexpedient to legislate.

SENATOR KING: I rise in support of the Bass amendment and the report of ought to pass. The debate over a woman's right to choose is one that has divided this nation in a way that we have not seen in a very long time. It has shaken political structures and alliances. And it will probably do that for some time to come. But the majority of the people in the State of New Hampshire are strongly pro choice. Not because they favor abortion on demand, or because they favor abortion as a means of birth control, or for any other arbitrary reason. They are pro choice for one very simple reason and that is a reason that has held us in good stead for many, many years in the State of New Hampshire. Because they are committed to the rights of the individual. They revere the precepts that are laid down in the constitution of the United States and the Bill of Rights, which grants government power only by the consent of the people themselves. They are pro-choice because, while we would all agree that

this would be a far better world if less abortions were performed, we fervently believe that it would be a far worse world if government were to step into our homes and tell us how to run our families, what to feed our children, what religion to teach our children, and how to live our lives. The people of New Hampshire do not want government interfering with what is the most private, difficult decision that a woman will ever have to make. Senators, we know that laws have never in the past stopped abortions. All they do is transfer the locale from a safe, legal place to a back alley. That is not good public policy. There is only one vote that we can make today that will reconcile these two very divergent positions. That is a vote for choice. By voting for choice, you allow for those who believe that abortion is wrong for moral, religious reasons, you allow them to make the choice not to have an abortion, but for those who believe otherwise, we do not dictate how they will conduct their private affairs. I know that this debate will continue on for a long time. But I would hope that the one thing that we could all take with us out of this, not only those of us here in the chamber, but those in the gallery as well, is that we should have one common goal. That while this debate continues, we should be working towards everything that we can in our power to eliminate unwanted pregnancies in the State of New Hampshire, and to make sure in the future that no child is born into this world that is unwanted, unloved and uncared for.

SENATOR JOHNSON: I rise in support of HB 1424 as amended. Philosophically, I do not believe that the government should be a party to a woman's reproductive decisions. And I am confident that I reflect the view of the majority of the people in my Senate district and really beyond my Senate district. We know that pregnancies result from rape and incest in our society. Only the most radical point of view, would force those pregnancies to term. We know that child abuse and neglect is far more prevalent than we would like to believe. I am pleased to sit next to Senator Podles who has been a leader in dealing with child abuse and neglect, and certainly we have to go a lot farther in that particular direction. Abortion can be a regrettable necessity. It is an unfortunate consequence, but to force an unwanted, unloved child into our society is, in my opinion, worse than an abortion. I would like to cite one example. It is fairly graphic but I think you ought to hear about it. It is a first person report, based upon an incident in the hospital in Hanover. A close personal friend of mine, somebody who you all know, had a child in her arms in the hospital and this angry, perhaps deranged father came into that hospital. He had previously attacked this six month old child. She had two broken arms, two broken legs, two black eyes and a fractured skull. He entered that hospital with a gun prepared to do

that child in and probably anybody else he saw. It was only good fortune that that wasn't carried out. We talk about government involvement. Let me just quote quickly here what happens when the government gets involved in women's reproductive decisions. Romania's strict anti-abortion law, repealed after the uprising last winter, prompted many women to obtain illegal abortions or perform abortions on themselves, a family-planning official from that country told a Senate panel yesterday. We here in New Hampshire simply do not want the government to be a party to that reproductive decision. We do not want the government to force women to do something that they don't really want to do. Reproductive decisions should be based upon religious, moral, and medical circumstances, not government intervention. I urge my colleagues to support HB 1424 as amended.

SENATOR ROBERGE: I urge you to defeat HB 1424 and the proposed amendment. I would like to address that subject. Some who defend abortion try to soothe the conscience. For example, they say an acorn is not an oak, a blueprint is not a house. We are not debating trees today, and we are not debating houses. We are debating human life. Some claim we don't know when human life begins. Some claim it is a religious matter. Both claims are utterly incorrect. We know when life begins. It is a matter of science, not of religion. First year students at Harvard Medical School study genetics using this text, Langman's Medical Embryology. In the first paragraph on the first page it answers this question. "The development of a human being begins with fertilization." Harvard teaches medical students that human life begins at fertilization. They don't teach that human life begins at birth. They don't teach that human life begins at the twenty-fifth week. They don't teach that human life begins at viability. At Harvard, they teach that human life begins with fertilization. All scientific texts read the same on this point. The fertilized egg contains nuclear material from both parents. It marks the beginning of life of a new human being. A new human being. Let us not be misled. The claim that we don't know when human life begins is political rhetoric, not science. Every reputable science, every authoritative medical texts says that a human life begins at conception. A new individual human life at that moment. Listen to key phrases that I just cited. A human being begins with fertilization. This marks the beginning of life in a human being. The medical texts say that we are talking about human beings. Shall we support this bill which authorizes the killing of human beings. Are we to become a State that supports the notion that human beings, who can not defend themselves, may be thrown away like personal property. This bill says that human beings can be killed for any reason at all prior to the twenty-fifth week and after the twenty-fifth week they may be

killed for reasons of maternal health. My colleagues, the United States Supreme Court, define health to include emotional health. Under this bill, one need only raise the claim of emotional health in order to secure an abortion. In other words, this bill contains no protection at all, indeed, behind a facade of legalese, it rips away every protection. If an unwanted pregnancy is a difficult situation, then life is full of difficult situations. One after another, none of us escapes the difficulty. That pregnancy is difficult is no reason for us to support this bill. Would we support a bill that authorizes the killing of human beings who present difficulties? God forbid. Some may feel our ancient statutes on abortion are in need of modernization. That may be, but what is before us is a complete repeal of those statutes. What is before us is a bill that can only be called a license. It is a license to treat human beings as property. It is a license to dispose of the youngest and most defenseless members of our human family. Every abortion kills an individual human being. That is a scientific fact. Perhaps it presents difficulty, but it remains a scientific fact nevertheless. The bill before us provides abortion on demand. This bill approves the use of abortion as a method of birth control. This bill gives our State the most liberal abortion law in the land. This bill ensures that unborn human beings have no legal protection whatsoever. This bill says that a whole class of human beings can be deprived of life at the discretion of others. This bill creates a class of human property. Each one of us has passed through the earlier stages of human life. Embryo, fetus, infant, child, adolescent and we are now adults. A child is a human being, an infant is a human being, by what distortion of science can anyone claim unborn human beings are not human beings. By what distortion of ethics can anyone claim that it is alright to deprive a whole class of human beings of that most fundamental right. By what distortion of all that our country stands for can anyone claim those who can't defend themselves may not be defended by law. The children of human beings are human beings. Slogans and euphemisms can not change a fact of biology. Slogans and euphemisms can not change the biological fact that each abortion kills a human being. Black's Law, fifth edition, 1979 -"Pregnancy: condition resulting from the fertilized ova; the existence of a condition beginning at the moment of conception and terminating with the delivery of a child." If you believe that life does not begin until viability or birth, consider in this country human death is determined by the absence of heart beat and the absence of brain waves. The unborn child, whether you wish to call it a fetus or a baby, has had a heart beat since 20 to 24 days after conception and recognizable brain waves since 40 days after conception. On the subject of what age is viable, this particular book I have in my hand, there was a baby born two years ago at 21 weeks who

survived without any abnormalities. I suggest to you that viability is a measure of the sophistication of life support systems around the baby. It does not measure the humanness or aliveness of the baby itself. As technology improves, that viability becomes younger and younger. Who is to say in five years, it won't be seventeen weeks or fifteen weeks or whatever. I beg of you, for the love of humanity, please be humane to these young people.

SENATOR BLAISDELL: I rise in support of Senator Bass' amendment. I could not support the original bill that came over from the House. It is a very emotional issue for all of us, I am sure. It is an emotional issue for our families. While we are here trying to decide on the play offs in our State, and balancing the budget in our state, trying to take care of the what we call the human needs of the people of our State, I know it is my wife sitting at home and getting the phone calls. Some of them were complimentary and many of them were not so complimentary. I didn't appreciate coming home and having my wife tell me that someone had called and wanted to know if I had any fetuses in my home. That was not a very pleasant thing to come to my wife. As I said, I'll support Senator Bass' amendment. And I realize that it will be an issue in the next election, I am sure. But I would hope that those people who have said that this will be the only issue that they will consider what we do in this room for the people on Meals on Wheels, for the retired senior volunteer programs, and for people in nursing homes, and child abuse, for the education of our children, waiting lists bills, diversions, and for the 7 percent of the people in the State of New Hampshire who need the services that you and I try to provide so well. Sometimes, we don't do a very good job, but we try very hard. So what I am saying is that I will support your amendment, Senator Bass, but I ask those on both sides of this issue, this very emotional issue and it is very emotional for me, in the next election, or any time that Meals on Wheels or nursing homes or anything that is involved in the human needs of the people of this State, that you would be as concerned with those issues as you are with this one. Because it all means how we take care of the people of our State and after our children are born. I will have to answer to the people in my area, the electorate in my area, but I will also have to answer in the end to Someone upstairs and I am not afraid to face Him and tell Him what I am going to do.

SENATOR STEPHEN: I am going to vote against the bill and also the amendment. The question that we have here today is life. Life in its simplest definition is the capacity to die. Because a fetus may not be viable, does not make him or her any less human. We are asked today to allow the death of an immature human being. This is not a

private choice between a woman and her doctor. This is another life involved. So I ask the Senate today to vote for life.

SENATOR MCLANE: I rise in support of the Bass amendment on viability. I had not thought I was going to speak, but I want to say something briefly. I am proud to follow Senator Blaisdell, and there isn't a person in this Senate who cares more for women and children than Junie Blaisdell. And I am proud to say, myself. I have three daughters and I have eight of the cutest little blonde granddaughters all under eight years old that anyone has ever seen. It is for them that I speak today. I would like to talk about just one issue. The issue is who decides? You know it has always been wonderful to listen to men politicians. There were a hundred male politicians in the Senate at the time they passed the first anti-abortion legislation. And the male always starts out by saying, "I've never had an abortion". And that is true. And the next thing the male says, "I am all for abortion just for rape and incest and my daughter." And that is how personal it is. When the situation faces you of a fifty year old woman who discovers she is pregnant; of a woman who has one spinal bifida child and finds she is having another; of a young married couple such as I know very well who has discovered that the child that they were to bear had no x or y chromosomes, the question is, who makes that decision. And I don't want Senator Hough or Senator Heath or Senator Bartlett or Judd Gregg making that decision for me and my family.

SENATOR CHARBONNEAU: I happen to be one of the minority on this report with Senator Bass. I had a very difficult decision on HB 1424 to make. I was told by Senator Bass that he would come up with an amendment that could straighten this out. With that amendment, I can definitely vote for it. I have concerns for the born children that we are not taking care of today. I also have concerns that if we don't take care of these children, what are we going to do? These children can't go out there and get a bottle of milk. They have to depend on their parents. Also, another thing that bothers me is the statistics. Right now, 300,000 babies are being born to cocaine addiction. What is going to happen to them? My concerns, and I have worked with child abuse, and I have a concern of the born child as well as the unborn child, but we have to do something. If we do not allow abortions, then best we take care of these kids, because these kids need help. And I am all for that 100 percent. Because I know what Senator Blaisdell goes through, when these mothers come in for help, we say no, we can't afford it. But if we do this, we have to be able to take care of those children. They are my concern, the born children.

SENATOR NELSON: I don't know exactly how I am going to say this, but I do know that I really don't think it should be left unsaid. Regardless of what side of the issue you are on, I think the words congenital abnormality and a life threatening physical abnormality sends one of the worst possible messages to some of the people in the State of New Hampshire. For a group who has worked long and hard, who had labored to equality, who have labored for the choice to get on an airlines, who have labored to use a public rest room, who have labored before the New Hampshire Senate and the New Hampshire House just so that they can get the money to survive, to those parents in the State who have kept their children who are handicapped, to those adults in this State who are handicapped, I just want you to know that I think it is offensive that the language we use is congenital abnormality when we have many capable people in the State of New Hampshire.

SENATOR HOUGH: I rise in support of the minority report of the committee of ought to pass with amendment. I rise in support of the Bass amendment. This question has been before this body in past years and I dare say our disposition of it this afternoon will not preclude its reoccurrence. The question that we are faced with in all sincerity strikes at the very heart of a free and democratic representative government. I wish to center my remarks, not so much on this very personal and very emotional issue that 24 people in this room are grappling with, with all sincerity and dedication, but rather I wish to address my remarks on this question to a form of government. I wish you to bear with me a few moments and if you choose, pull out your black book and look at the constitution. Look at article 29 of the constitution. If you were to pull out the red book, you would see that in 1803 there was a person named David Hough from Lebanon that represented this State in Congress. And yet, were the time 1803 his multi-generational grandson could not represent. If you were to look at article 29 and go back to 1850 you would realize that Senators Dupont, Currier, Disnard, Roberge, Blaisdell, Magee, Nelson, Charbonneau, Podles, Stephen, St. Jean, Torr, Delahunty and Preston could not serve and I ask would the people be better served without these individuals in the Senate. I say no and I say no from the conviction of knowing and working many years with these individuals. The reason is that our then constitution required that they be Protestants. If the year were 1850, Senator Podles could not serve because the requirement of service was that she be Protestant. It did not speak of being a Roman Catholic, it did not speak of being a Jew, but it certainly did require that one be a Protestant. Perhaps Senator Bartlett could have served, and I question whether we would want 24 likeness of Senator Bartlett. But in all

seriousness, there is an issue here. Prior to the 1920's, Sheila, Mary, Rhona, Susan, Eleanor, and Elaine could not serve because of their sex. We are dealing with a free and open representative government of the 90's. And as John Kennedy proved in West Virginia twenty-five odd years ago, it is possible for an individual to be a practicing Roman Catholic and have allegiance in those things dealing with regard to Rome while at the same time leaving to Caesar those things that a free society champions and cherishes. The point I wish to make is there have been organized religious organizations and institutions centered in and around this issue that would allow us and lead us to destroy the very fabric of the governmental form we cherish on this issue. There have been people who can speak with all sincerity but the beauty of the system of the nation that we enjoy so much is that we recognize things that government rightly should address and we protect with liberty those areas that government has no business. The issue today is centered around that very question of how we will govern ourselves into the future and I wish that you would bring with sincerity a re-dedication to a form of representative government that recognizes personal liberty, personal freedoms, personal choice and protects against the intrusion of government into one's personal life. That is what the issue for me is and that is what the issue for you is. Please vote to support the Bass amendment and continue the strengths of New Hampshire government as we have known it for over 200 years.

SENATOR BARTLETT: Once again, I am very proud to stand before this body. I appreciate the respect and the consideration that you have given to each speaker here this afternoon. I think this is probably the first time in the eight plus years that I have spoken on this issue at all. If I were talking about the budget, I could tell you that I had expert information from the LBA research and that when I voted I could say that I had better information than my constituents. In 1985, I voted pro-life because I believed that in my district the majority people in that district were for pro-life. In 1989, I voted against the repeal of those laws. Governor Gregg vetoed that. We had differences of opinion on why it should have been vetoed. I did not believe and I do not believe that my constituents believe in unlimited abortions. I believed at that time that had we removed that legislation from our laws that we would not be looking today at a limited abortion bill. Because I don't believe the House would have passed anything and had Roe versus Wade been overturned, the State of New Hampshire would have no guidelines, the doctors and nurses, no one would have had any guidelines concerning abortions. In the past five years, I have traveled through my district. Not as much as I used to but I do now, and all the information that I have

received from my constituents, and I have heard from both sides, a couple of years ago it was a lot more loud and it was a lot more than it is today, and they were a little bit meaner than Senator Blaisdell talks about. I think they have tempered their tones when they found that threatening Senators and House members hasn't worked, either side, it doesn't make any difference. It is my honest opinion that the majority of the people in my Senate district have now changed in the last five years, that they believe in pro-choice. What I do today is not to vote for Bill Bartlett, the individual voter from Senate District 19, but it is my philosophy that if I can't tell my voters, my constituents, that for other reasons that I know more about an issue, and I don't think that I do on this issue, I have heard all the reasons here today and heard some very good statements about philosophy, it is my philosophy that I will vote what I believe the majority of my constituents believe. You have read in the papers and heard on the news that Bartlett is not strong, he is weak. He does things for political gain. Well, if that is how they wish to judge my vote today, they may do so, but my personal feelings is I believe that I am voting the way that my constituents think that I should vote. If that is wrong, I am guilty. When I walk out that door, I am going to walk out the same way that I always do after a session, feeling that I have represented the people of my district and therefore, I am going to support the amendment that is offered by Senator Bass.

Amendment to HB 1424-FN

Amend RSA 132:20 as inserted by section 1 of the bill by replacing it with the following:

132:20 Abortions Regulated.

I. Abortions may be performed prior to fetal viability. Abortions shall not be performed thereafter unless the woman's physician determines that such a procedure is necessary for the preservation of the life or health of the woman or that the fetus has a life-threatening physical or congenital abnormality.

II. For the purpose of this subdivision, "fetal viability" is defined as when, in the judgment of the attending physician, there is a reasonable likelihood that the fetus is capable of sustained survival outside the womb.

Amend section 1 of the bill by inserting after RSA 132:21 the following new section:

132:22 Severability. If any provision of this subdivision or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the subdivision which can be given effect without the invalid provisions or applications, and to this end the provisions of this subdivision are severable.

AMENDED ANALYSIS

This bill establishes a policy for New Hampshire that every woman has a right, founded on the natural right of privacy, to decide for herself whether to begin or end a pregnancy according to the dictates of her own religious and moral beliefs and medical circumstances.

Under this bill abortions may be performed at any time prior to fetal viability. Abortions shall not be performed thereafter unless the woman's physician determines that such a procedure is necessary for the life or health of the woman or that the fetus has a life-threatening physical or congenital abnormality.

ROLL CALL

Roll Call requested by Senator Roberge.

Seconded by Senator Blaisdell.

The following Senators voted yes: King, Freese, Hough, Currier, Blaisdell, Bass, Magee, Charbonneau, McLane, Johnson, Bartlett, St. Jean, Torr, Krasker.

The following voted no: Bond, Heath, Dupont, Disnard, Roberge, Nelson, Podles, Stephen, Delahunty, Preston.

14 Yeas

10 Nays.

Amendment adopted.

Senator Dupont offered a floor amendment.

Under rule 4-a the amendment was not allowed due to the fact that SB 136 dealing with the same subject matter was made Inexpedient to Legislate in the 1989 Session.

RULE 44

SENATOR DUPONT: I understand the time constraints that we are working on this afternoon. However, I feel that it is my obligation, and given the number of people that I have involved in working with me on this amendment and the deliberations that went on from all the parties involved, that I ought to at least address it. I am disappointed that I didn't have the opportunity to offer my amendment. I indicated to the Senate President that I would not challenge the ruling which was requested by another member of this body. I did have the opportunity to divide my amendment up and leave out the section in question that caused this ruling today. But we have had many speakers today debate and discuss the issue of problems

with abortion in New Hampshire. I felt that one of the reasons that I have such a difficult time with the legislation that this body just passed, is that on a subject that is as complex and as difficult as abortion is, HB 1424 makes no attempt to provide guidance to the people of New Hampshire and is superficial in the manner in which it addresses the issue. The problem with the debate that we have all gone through this year is that there is no middle ground. There is a fringe on each side that is driving this issue. Pro-life side says no abortions, the pro-choice side says no restrictions. Today I feel that the responsible position in New Hampshire is that probably the majority of the people of New Hampshire are pro-choice. But all the people that I have spoken to during the last few weeks have been pro-choice with restriction. Unfortunately, what you pass today is a piece of legislation that does appeal to the fringe. It does not address the concerns of my constituents. And I believe most of your concerns. My amendment should have appealed to the pro-life side because it sought ways to reduce the number of abortions that would have been performed in New Hampshire, which I think is in their best interest. It should have appealed to the pro-choice side for the same reason. Because we are all concerned about the trauma to women and families in New Hampshire who have to make this difficult decision. I would end by saying that today we as politicians are all caught in the middle of a nasty public debate and are being asked to put aside our own personal convictions when we make the choice of what we are to do on this issue. Unfortunately for me, that is impossible for me to do. Good legislation is compromise. It is compromise that represents the best interest of the majority of our citizens, the people that we represent. I am not uncomfortable in having voted against HB 1424 and I am not uncomfortable having offered my amendment. Because of the members of this body, I believe I did try to represent, although unsuccessfully, what the majority of the people of New Hampshire believe today. I am disappointed that I didn't have the opportunity to give the members of this fine body the opportunity to pass what I believe is a comprehensive way of addressing this issue. Thank you.

SENATOR ST. JEAN: I do want to comment on the words of my friend, Senator Dupont. Although I voted on the other side on this issue than the distinguished majority leader, I, too, am troubled with the legislation that was put before us. I didn't view it as a compromise piece of legislation and I voiced my concerns to the concerned parties who put this legislation together. I would have felt more comfortable and I would have voted for Senator Dupont's amendment had that been allowed into this session today. Of all the issues that we have had to deal with, again, this is the most time

consuming and troubling of them all. As Eddie said, the fringe elements on both sides have been dictating and determining this issue as they have with the compromise version. I felt very uncomfortable with it and I still do, after having voted for it here today. But I did, and I will be held accountable as will the rest of us.

The question is shall the bill be ordered to a third reading in the late session?

Adopted. Ordered to Third Reading.

HB 1025, relative to limited liability for volunteers.

Ought To Pass. Senator Roberge for the committee.

SENATOR ROBERGE: HB 1025 identifies the type of written document that an organization must issue to its volunteers in order to authorize them to act on behalf of the organization and to perhaps protect against civil liability for any damage or injury arising out of their volunteer service. This change is designed to clarify and strengthen present law which protects volunteers working for non-profit organizations if they have prior written approval from the organization to act on behalf of the organization, but does not specify what form or written approval. This legislation specifies the type of form to be used.

Adopted. Ordered to Third Reading.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill sets up a committee which is designed to study various systems of compensating patients for injuries which arise from medical treatment. It also is charged with making determinations regarding the problem of disciplining physicians that do not act in accordance with acceptable community standards of treatment. The amendment basically changes the make up of the committee to add, first of all, a number of other members in order to achieve an odd number, and secondly, to balance out the membership so that all sides of this issue are adequately represented. It is a good bill. We also changed the date by which the study has to be complete to 1991. I do urge the Senate to adopt the committee report of ought to pass with amendment.

Amendment to HB 1060-FN

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. A committee is hereby established to study various systems of compensating patients for injuries arising from medical treatment and methods of disciplining physicians who cause such injuries by not acting in accordance with community standards of treatment. The committee shall study alternative forms of management of medical malpractice claims, either through insurance or a system similar to workers' compensation.

2 Members; Meetings; Chair.

I. The committee shall consist of the following members:

(a) Three house members, appointed by the speaker of the house.

(b) Three senate members, appointed by the senate president.

(c) Four attorneys, 2 of whom shall be appointed by the president of the New Hampshire Bar Association and 2 of whom shall be appointed by the president of the New Hampshire Trial Lawyers Association.

(d) Four physicians, 3 of whom shall be appointed by the New Hampshire Medical Society and one of whom shall be a member of and appointed by the Board of Registration of Medicine.

(e) The insurance commissioner or designee.

(f) Two public members, appointed by the governor.

II. The members of the committee shall be appointed within 30 days of the effective date of this act. The committee shall choose a chairman at its first meeting.

3 Report. The committee shall submit the results of its study in the form of a report, including recommendations for legislation or constitutional amendment, to the speaker of the house, the senate president and the governor on or before September 30, 1991.

AMENDED ANALYSIS

This bill establishes a committee to study systems of compensating patients for medical injuries and methods of disciplining physicians who cause medical injuries by not acting in accordance with community standards of treatment. The committee is required to submit a report, including recommendations for legislation or constitutional amendment, to the speaker of the house, the senate president and the governor on or before September 30, 1991.

Amendment adopted. Ordered to Third Reading.

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: The bill does exactly what the title indicates. The amendment adds the securities fraud to the list of items in which wire taps may be added using the normal and accepted judicial procedure to obtain those wire taps. There has been a substantial problem in this State and others with con artists trying to solicit individuals to make investments in phony ventures. It is very hard to trap these people unless you are able to intercept and listen to these conversations. The attorney general feels that this is an important priority for protection of New Hampshire citizens. I urge the Senate's adoption of the committee amendment and the report of ought to pass.

Amendment to HB 1107-FN

Amend RSA 570-A:7 as inserted by section 1 of the bill by replacing it with the following:

570-A:7 Authorization for Interception of Wire or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of wire or oral communications by **investigative** law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, **criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, [or] dealing in narcotic drugs, marijuana, or other dan-**

gerous drugs, **hazardous waste violations under RSA 147-A:4, I**, or any conspiracy to commit any of the foregoing offenses.

Amend RSA 570-A:2, II(d) as inserted by section 2 of the bill by replacing it with the following:

(d) An investigative or law enforcement officer in the ordinary course of his duties pertaining to the conducting of investigations of organized crime, offenses enumerated in this chapter, **solid waste violations under RSA 149-M:10, I and I-a**, or harassing or obscene telephone calls to intercept a wire or oral communication, when such person is a party to the communication or one of the parties to the communication has given prior consent to such interception; provided, however, that no such interception shall be made unless the attorney general, the deputy attorney general, or an assistant attorney general designated by the attorney general determines that there exists a reasonable suspicion that evidence of criminal conduct will be derived from such interception. Oral authorization for the interception may be given and a written memorandum of said determination and its basis shall be made within 72 hours thereafter. The memorandum shall be kept on file in the office of the attorney general.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Dupont in the Chair.

COMMITTEE REPORTS

HB 1157-FN, relative to capital murder.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1157-FN adds two crimes, a rape murder and a drug trafficking murder, to the existing statute of capital murder. Currently it makes it a capital offense to murder a police officer in the line of duty, murder and kidnapping, or attempt to kidnap, murder for hire, and murder after having been sentenced to life with parole. We now are facing the first capital case in 50 years, the Johnson case, of murder for hire, an extremely involved case. HB 1157 addresses appropriate procedures in capital murder which starts on page 2 of the bill. The State would follow these procedures to establish a death penalty. These procedures conform to the fairness requirements made by the decision of the United States Supreme Court. It is the right step in the right direction. The amendment adds the word "only" so that the jury could only ask for a death

penalty by unanimous vote. It also replaces the word "shall" with "may" and that reflects the intention of the legislation that the jury is never required to recommend the death penalty. It makes the intention of the legislation more clear. The committee urges ought to pass with amendment.

SENATOR MCLANE: Senator Podles, could you tell me in the bill that we just passed by this group, and Senator Roberge gave a long speech about life, how do you reconcile your vote on the abortion issue with this vote which also seems to me, murder?

SENATOR PODLES: Senator McLane, I am glad you asked that question. It is a good question. Both of these cases, this murder and also the abortion is an unwilling victim. We are trying to protect the victim and that is consistent. That is my first reason. My second reason is the victim in the abortion case, does not kill.

SENATOR MCLANE: I guess my next question is about the Johnson murder; and is this ex post facto legislation or would this make capital punishment applicable to that case?

SENATOR PODLES: I think that this is going to be a test in New Hampshire. It is going to tell us a lot about capital murder.

Amendment to HB 1157-FN

Amend RSA 630:5, IV as inserted by section 3 of the bill by replacing it with the following:

IV. The jury shall consider all the information received during the hearing. It shall return special findings identifying any aggravating factors set forth in paragraph VII, which are found to exist. If one of the aggravating factors set forth in subparagraph VII(a) and another of the aggravating factors set forth in subparagraphs VII(b)

(j) is found to exist, a special finding identifying any other aggravating factor for which notice has been provided under subparagraph I(b) may be returned. A finding with respect to a mitigating factor may be made by one or more of the members of the jury, and any member of the jury who finds the existence of a mitigating factor may consider such a factor established for purposes of this section, regardless of the number of jurors who concur that the factor has been established. A finding with respect to any aggravating factor must be unanimous. If an aggravating factor set forth in subparagraph VII(a) is not found to exist or an aggravating factor set forth in subparagraph VII(a) is found to exist but no other aggravating factor set forth in paragraph VII is found to exist, the court shall impose a sentence of life imprisonment without possibility of parole. If an aggravating factor set forth in paragraph VII(a) and one or

more of the aggravating factors set forth in paragraph VII(b) - (j) are found to exist, the jury shall then consider whether the aggravating factors found to exist sufficiently outweigh any mitigating factor or factors found to exist, or in the absence of mitigating factors, whether the aggravating factors are themselves sufficient to justify a sentence of death. Based upon this consideration, if the jury concludes that the aggravating factors outweigh the mitigating factors or that the aggravating factors, in the absence of any mitigating factors, are themselves sufficient to justify a death sentence, the jury, by unanimous vote only, may recommend that a sentence of death be imposed rather than a sentence of life imprisonment without possibility of parole. The jury, regardless of its findings with respect to aggravating and mitigating factors, is never required to impose a death sentence and the jury shall be so instructed.

Amendment adopted. Ordered to Third Reading.

Senator McLane wished to be recorded as opposed to the motion.

HB 1216-FN, relative to video tape depositions of children.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1216 repeals just the presumption that in a criminal case the testimony of a victim or a witness under twelve years of age will be taken by video tape. Instead it leaves the judges to their discretion and their decision whether to take the child's testimony by video or directly in open court. It doesn't remove the video tape trial testimony but only the presumption. So that there is protection. The amendment is merely housekeeping changes, some words are changed without changing the meaning. The committee recommends ought to pass with amendment.

Amendment to HB 1216-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to depositions and video tape testimony.

Amend the bill by replacing all after the enacting clause with the following:

1 Discovery Depositions in Criminal Cases. RSA 517:13 is repealed and reenacted to read as follows:

517:13 Discovery Depositions in Criminal Cases.

I. Except as otherwise provided in this section or by order of the court, depositions shall be taken in the manner provided in civil actions.

II. The court in its discretion may permit either party to take the deposition of any witness, except the defendant, in any criminal case, upon a finding by a preponderance of the evidence that such deposition is necessary:

(a) To preserve the testimony of any witness who is unlikely to be available for trial due to illness, absence from the jurisdiction or reluctance to cooperate; or

(b) To ensure a fair trial, avoid surprise or for other good cause shown.

In determining the necessity, the court shall consider the complexity of the issues involved, other opportunities or information available to discover the information sought by the deposition, and any other special or exceptional circumstances which may exist.

III. In any felony case either party may take a discovery deposition of any expert witness who may be called by the other party to testify at trial.

IV. Nothing in this section shall be construed as limiting discovery depositions by agreement between the parties.

V. Notwithstanding this section, no party in a criminal case shall take the discovery deposition of a victim who was 16 years of age or under at the time of the alleged offense or of any witness who was 16 years of age or under at the time of the alleged offense.

2 Video Tape Trial Testimony. RSA 517:13-a is repealed and reenacted to read as follows:

517:13-a Video Tape Trial Testimony Authorized.

I. In any criminal case, the state may move to take video tape trial testimony of any witness, including the victim, who was 16 years of age or under at the time of the alleged offense. Any victim or other witness who was 16 years of age or under at the time of the offense may also move to take video tape trial testimony. The court shall order video tape trial testimony if it finds by a preponderance of the evidence that:

(a) The child will suffer emotional or mental strain if required to testify in open court; or

(b) Further delay will impair the child's ability to recall and relate the facts of the alleged offense.

II. Video tape trial testimony taken pursuant to this section shall be conducted before the judge at such a place as ordered by the court in the presence of the prosecutors, the defendant and his attorneys, and such other persons as the court allows. Examination and cross-examination of the child shall proceed in the same manner as permitted at trial. Such testimony shall be admissible into evidence at trial in lieu of any other testimony by the child.

III. Unless otherwise ordered by the court for good cause shown, no victim or witness whose testimony is taken pursuant to this section shall be required to appear or testify at trial.

IV. Any witness who is 16 years of age or under shall be allowed to have his parent or any other appropriate adult, or both, present during his testimony.

V. The supreme court shall make any rules necessary to implement the provisions of this section.

3 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill changes procedures and requirements for depositions in criminal cases and for taking of video tape testimony of children in criminal cases.

Amendment adopted. Ordered to Third Reading.

HB 1234-FN, relative to guardian's authority to admit to institutions.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1234 is giving certain powers and duties from the probate court to the guardian. The bill allows the guardian to place a ward in a state institution only upon certification of a New Hampshire physician or in the case of a placement in the New Hampshire Hospital, certification by a licensed psychiatrist. It further requires that the guardian submit to the probate court within thirty-six hours a notice of the placement and the reasons for placement together with a copy from the physician and the psychiatrist. The ward has a right to appointed counsel, the right to oppose admission, a right to a hearing and security protection to the hospital for admission. The amendment differs from the original bill. It requires written certification by a psychiatrist, licensed in the State of New Hampshire, and it entitles the ward to a hearing within ten days of the date the ward requests the hearing. It also requires a letter of guardianship to be presented to the security staff of the New Hampshire Hospital before the ward is transported to the state hospital for admission.

SENATOR DISNARD: Senator Podles, I had several calls from constituents inquiring if the committee discussed if there must be a court hearing prior to be institutionalizing the person by the guardian?

SENATOR PODLES: You can not place the ward unless it goes through the probate court.

SENATOR DISNARD: The people who called misunderstood, it isn't just the physician and the guardian, but it is also the court is involved?

SENATOR PODLES: Yes, because the guardian sort of goes through the probate court.

Amendment to HB 1234-FN

Amend RSA 464-A:25, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward's place of abode within or without this state. However, no guardian may admit a ward to a state institution except upon written certification by a psychiatrist licensed in the state of New Hampshire, that the placement is in the ward's best interest and is the least restrictive placement available. Within 36 hours, excluding Sundays and holidays, of admission of a ward to a state institution, the guardian shall submit to the probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the psychiatrist. The court shall promptly appoint counsel for the ward and provide copies of the notice and related documents to the ward and the appointed counsel. For purposes of proceedings under this subparagraph, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The court shall also provide the ward a notice stating that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing. At any time, the ward or counsel for the ward may request a hearing on the placement at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 10 days, excluding Saturdays, Sundays, and legal holidays, from the date that the hearing is requested. Notwithstanding the foregoing, no guardian may admit a ward to a state institution for more than 60 days for any single admission or more than 90 days in any 12-month period without prior approval of the probate court. Approval by the probate court of an admission to a state institution shall also authorize any readmission which occurs within 60 days of discharge from such institution. For purposes of this subparagraph, security staff at New Hampshire hospital shall be authorized to transport the ward to New Hampshire hospital, upon presentation by the guardian of letters of guardianship, pursuant to RSA 464-

A:11, which authorize the guardian to establish the ward's place of abode, together with the certificate of the psychiatrist.

AMENDED ANALYSIS

This bill authorizes a guardian to institutionalize a ward upon certification by a licensed psychiatrist that the placement is in the ward's best interest. Within 36 hours of such placement the guardian shall notify and seek approval from the probate court.

Amendment adopted.

Senator Podles offered a floor amendment.

SENATOR PODLES: The floor amendment just requires a New Hampshire licensed physician certification to place a ward in a state institution, because we don't need a psychiatrist to place a ward in a nursing home. That would include the Glen Cliff Nursing Home and it would also include the Laconia Developmental Services Institution. So that is all the amendment does. We urge passage.

SENATOR DISNARD: Senator Podles, again there is no court involvement for a hearing? A physician and a guardian may institutionalize an individual?

SENATOR PODLES: Senator Disnard, originally the amendment that is in the calendar removed this physician. We are putting the physician back in again because we don't need a psychiatrist to admit people to nursing homes.

Floor Amendment to HB 1234-FN

Amend RSA 464-A:25, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) To the extent that it is consistent with the terms of any order by a court of competent jurisdiction relating to detention or commitment of the ward, the guardian shall be entitled to custody of the ward and may establish the ward's place of abode within or without this state. However, no guardian may admit a ward to a state institution except upon written certification by a physician licensed in the state of New Hampshire, or, in the case of placement in New Hampshire hospital, upon certification by a psychiatrist licensed in the state of New Hampshire, that the placement is in the ward's best interest and is the least restrictive placement available. Within 36 hours, excluding Sundays and holidays, of admission of a ward to a state institution, the guardian shall submit to the probate court notice of the admission and the reasons therefor, together with a copy of the certificate by the physician or psychiatrist. The court shall

promptly appoint counsel for the ward and provide copies of the notice and related documents to the ward and the appointed counsel. For purposes of proceedings under this subparagraph, the ward shall have the right to legal counsel in the same manner as provided in RSA 464-A:6. The court shall also provide the ward a notice stating that the ward has the right to appointed counsel, the right to oppose the admission by the guardian, and the right to a hearing and to present evidence at that hearing. At any time, the ward or counsel for the ward may request a hearing on the placement at which the guardian shall have the burden of proving, beyond a reasonable doubt, that the placement is in the ward's best interest and is the least restrictive placement available. The hearing shall be held within 10 days, excluding Saturdays, Sundays, and legal holidays, from the date that the hearing is requested. Notwithstanding the foregoing, no guardian may admit a ward to a state institution for more than 60 days for any single admission or more than 90 days in any 12-month period without prior approval of the probate court. Approval by the probate court of an admission to a state institution shall also authorize any readmission which occurs within 60 days of discharge from such institution. For purposes of this subparagraph, security staff at New Hampshire hospital shall be authorized to transport the ward to New Hampshire hospital, upon presentation by the guardian of letters of guardianship, pursuant to RSA 464-A:11, which authorize the guardian to establish the ward's place of abode, together with the certificate of the psychiatrist.

AMENDED ANALYSIS

This bill authorizes a guardian to institutionalize a ward upon certification by a licensed physician, or in the case of New Hampshire hospital, upon certification by a licensed psychiatrist, that the placement is in the ward's best interest. Within 36 hours of such placement the guardian shall notify and seek approval from the probate court.

Amendment adopted. Ordered to Third Reading.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

Ought To Pass With Amendment. Senator Roberge for the committee.

SENATOR ROBERGE: HB 1264 gives to the district courts concurrent jurisdiction with the Superior courts to enforce the provisions of RSA 540-A:2, and RSA 540-A:3 which contain general as well as specific prohibitions against certain actions by landlords against tenants and vice versa.

Amendment to HB 1264-FN

Amend the bill by replacing section 1 with the following:

1 District Court Jurisdiction. RSA 540-A:4 is repealed and reenacted to read as follows:

540-A:4 Remedies.

I. All district courts shall have concurrent jurisdiction with the superior court to enforce the provisions of RSA 540-A:2 and RSA 540-A:3.

II. Any tenant or landlord may seek relief from a violation of RSA 540-A:2 or RSA 540-A:3 by filing a petition in the district or county where the rental premises are located.

III. No filing fee shall be charged for a petition under paragraph II, and the plaintiff may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section and the cost of such service shall be billed as directed by the court pursuant to paragraph XII. Any proceeding under this subdivision shall not preclude any other available civil or criminal remedy.

IV. The clerks of the district courts shall supply forms for petitions for relief under this subdivision designed to facilitate proceedings.

V. The findings of facts shall be final but questions of law may be transferred to the supreme court in the same manner as from the superior court.

VI. The court shall hold a hearing within 30 days of the filing of a petition under paragraph II or within 10 days of service of process upon the defendant, whichever occurs later.

VII. Upon a showing of a violation of RSA 540-A:2 or RSA 540-A:3, I, II, or III, the court shall grant such relief as is necessary to protect the rights of the parties. Such relief may include:

(a) An injunction enjoining the defendant from continuing the activity or activities which violate RSA 540-A:2 or RSA 540-A:3; and

(b) An award of damages to the plaintiff for the violations of RSA 540-A, breach of warranty of habitability, breach of the covenant of quiet enjoyment or any other claim arising out of the facts alleged in the plaintiff's petition.

VIII. Upon the showing of an immediate threat of irreparable harm, the court may issue such temporary orders as it deems neces-

sary to protect the parties with or without actual notice to the defendant. If temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such request. Such hearing shall be held no later than 5 days after the request is received by the clerk. Such hearings may constitute the final hearing described in paragraph VI.

IX. Any landlord or tenant who violates RSA 540-A:2 or any provision of RSA 540-A:3 shall be subject to the civil remedies set forth in RSA 358-A:10. Each day that a violation continues shall constitute a separate violation up to a maximum of 7 days.

X. Violations of this subdivision may be raised in any other proceeding by way of counterclaim, set-off or recoupment.

XI. No action for possession may be maintained by the landlord against a tenant who proves a violation of RSA 540-A:3, except for non-payment of rent, violation of a substantial obligation of the rental agreement or lease or violation of this subdivision within 6 months of an action instituted under this subdivision by a tenant; nor shall the landlord take any other action in reprisal. This protection shall not apply to frivolous actions brought by tenants.

XII. In any action brought under this subdivision, costs, including sheriff's fees and attorney's fees shall be awarded to the prevailing party.

Amendment adopted. Ordered to Third Reading.

HB 1384, relative to use of genetic test results as evidence in paternity proceedings.

Ought To Pass. Senator Nelson for the committee.

SENATOR NELSON: HB 1384 was introduced January 3, 1990 and heard by the Judiciary committee on January 11. On February 6, by a 19 to 0 vote, the committee recommended passage of the bill as amended. HB 1384 was proposed in response to the Family Support Act signed into law in 1988 by President Reagan, which required that each state enact statutes that provide for genetic testing in paternity suits. The penalty for failure to do so is the loss of federal funds amounting to one to two percent of New Hampshire's AFDC expenditures for initial non-compliance and up to five percent. Translated into dollars, that would be \$675,000 for continuing non-compliance. It is noteworthy that the Family Support Act provides that ninety percent of all laboratory costs associated with paternity testing will be paid by the federal government. Current New Hampshire law, RSA 522 permits blood testing in paternity cases but does not allow for genetic testing in general or DNA probe analysis in

particular. The courts of twelve states currently permit the use of DNA test results as evidence of paternity suits.

Adopted. Ordered to Third Reading.

HB 670-FN, relative to public accommodation of physically handicapped persons.

Ought To Pass With Amendment. Senator Heath for the committee.

SENATOR HEATH: I want to say this. This piece of legislation is an important move ahead for the handicapped. The handicapped and the people who originally opposed this legislation got together and worked very hard at the last moment to come up with this. They both came out of this very happy. That is the way, I think when possible, we resolve situations like we had there and we saw they were at loggerheads. I want to compliment both sides of this. I think there was a delicate balance and I think both sides worked in a straight forward manner and produced something of quality I think we can all be proud of. I urge you to support this amendment.

SENATOR JOHNSON: I rise in support of the bill as amended. I remember back in the seventies when I was a consultant for the Department of Education in the division of vocational rehabilitation, we had the insensitivity at times to hold training programs in facilities that were not accessible to people in wheelchairs and people with other disabilities. At that time, I began my own sensitivity training and realized how important the task was that was ahead of us. We have made significant progress since the mid seventies. The very fact that we have this bill before us suggests that we still have a long way to go. I am pleased to support the progress that we are making.

Amendment to HB 670-FN

Amend the introductory paragraph of RSA 155:39-a as inserted by section 1 of the bill by replacing it with the following:

155:39-a Definition of Place of Public Accommodation. Each of the following establishments which serves the public is a place of public accommodation within the meaning of this subdivision if its operations affect commerce:

Amend the introductory paragraph of RSA 155:39-c as inserted by section 1 of the bill by replacing it with the following:

155:39-c Existing Facilities; Public Accommodations. Nothing in RSA 155:39-b related to equal access to public accommodations or indirectly denying access to the physically handicapped shall apply to existing structures, structures under construction or proposed

construction submitted for bid before January 1, 1991. For any building or facility proposed to be constructed specifically as a place of public accommodation on or after January 1, 1991, but before January 1, 1992, the following standards of construction shall be met:

Amend RSA 155:39-c, V as inserted by section 1 of the bill by replacing it with the following:

V. In any building designed and constructed specifically for public accommodations, the bathroom facilities and all accompanying fixtures shall be arranged to permit access and use by a person in a wheelchair in at least 5 percent of the living units, or at least one living unit, whichever is greater. Such units shall be constructed on ground level and shall comply with paragraph III of this section.

Amend RSA 155:39-d as inserted by section 1 of the bill by replacing it with the following:

155:39-d Public Accommodations Constructed after January 1, 1992. This section applies to any new building or facility proposed to be constructed specifically as a place of public accommodation on or after January 1, 1992. This section also applies to any single enlargement of an existing building or facility which enlargement is proposed to be constructed on or after January 1, 1992, if the cost of such enlargement exceeds 25 percent of the fair market value of the real estate and building or facility situated thereon but only to the portion thereof which is so enlarged. Facilities subject to this section shall meet the requirements of the New Hampshire code for barrier-free design established pursuant to RSA 275-C:14-17. This section shall also be enforced by the building inspector as provided in RSA 676:11-13.

Amend the bill by replacing section 2 with the following:

2 Cross-Reference. Amend RSA 275-C:15, IV to read as follows:

IV. **Except as provided in paragraph V**, grant waivers to an owner, an owner's agent or a lessee-in-possession from specific requirements of the code for barrier-free design where, upon a clear and convincing showing, a compelling public interest is deemed to outweigh the state's interest in removing architectural barriers.

3 New Paragraph; Certain Waiver Permitted. Amend RSA 275-C:15 by inserting after section IV the following new paragraph:

V. With respect to construction projects subject to the provisions of RSA 155:39-d, grant waivers to an owner, an owner's agent or a lessee-in-possession from specific requirements of the code for barrier-free design upon good cause shown.

4 Effective Date. This act shall take effect July 1, 1990.

Amendment adopted. Ordered to Third Reading.

HB 685-FN, relative to tenant evictions.

Ought To Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: HB 685 has now been amended by the committee and the amendment that you have really is now the bill. The committee amends the bill by replacing all after the enacting clause and reconciles a conflict between state and federal laws. We have heard that for the second or third time today. Basically, it enables park owners and tenants to continue the benefits of living in housing communities for older persons. The federal law was recently changed raising the age for housing for older persons to age 55 when in many cases in New Hampshire it was 45. We were told in testimony that no current residence of manufactured park housing would be evicted or subject to eviction as a result of the legislation or the amendment before you today. We urge ought to pass.

Amendment to HB 685-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to restriction in occupancy.

Amend the bill by replacing all after the enacting clause with the following:

1 Occupancy Restrictions. Amend RSA 205-A:2, II(d) to read as follows:

(d) For a period of 3 years after the implementation of a rule restricting occupancy, refuse to approve the on-site sale of manufactured housing to any person on the basis of age or family status unless such a restriction on occupancy was included in the rules or lease or rental agreement at the time the seller commenced his tenancy in the park. **If the park owner or operator implements or has implemented a rule in an attempt to qualify, under the Fair Housing Act, as amended, as a provider of housing for older persons, the period shall be 30 days instead of 3 years.**

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill shortens the period of time, between creating a rule and implementing a rule regarding occupancy restrictions, from 3 years to 30 days where the owner or operator of the manufactured housing park is attempting to comply with the Fair Housing Act.

Amendment adopted. Ordered to Third Reading.

HB 1046, relative to the declaration of purpose for the planning and zoning laws.

Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This bill adds to the declaration of purpose for planning and zoning laws the encouragement of agriculture and forestry.

Amendment to HB 1046

Amend the title of the bill by replacing it with the following:

AN ACT

relative to agricultural and forestry activities
and planning and zoning powers.

Amend RSA 672:1, III-b as inserted by section 1 of the bill by replacing it with the following:

III-b. Agriculture makes vital and significant contributions to the food supply, the economy, the environment and the aesthetic features of the state of New Hampshire, and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the state. Natural features, terrain and the pattern of geography of the state frequently place agricultural land in close proximity to other forms of development and commonly in small parcels. Agricultural activities are a beneficial and worthwhile feature of the New Hampshire landscape and [should] **shall** not be [discouraged or eliminated] **unreasonable limited** by use of municipal planning and zoning powers or the unreasonable interpretation of such powers;

Amend the bill by replacing section 2 with the following:

2 New Section; Application of Zoning Ordinance to Agriculture and Forestry Activities. Amend RSA 674 by inserting after section 19 the following new section:

674:19-a Agriculture and Forestry; Permitted Uses. Farming and agriculture, as defined in RSA 21:34-a, and forestry, including wood and timber harvesting when practiced in accordance with state law, shall be presumed to be permitted uses in all zoning districts established under RSA 674:20, unless explicitly restricted or regulated in a zone by the local zoning ordinance.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill amends the declaration of purpose for the planning and zoning laws as it relates to the encouragement of agricultural and forestry activities.

The bill also adds the provision that agriculture, farming, and forestry shall be considered to be permitted uses in all zoning districts in a municipality unless explicitly restricted by the zoning ordinance.

Amendment adopted. Ordered to Third Reading.

HB 1244, relative to municipal charters and to extending the time for the filing of a report by the municipal charter study committee.

Interim Study. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: This bill is very entailed. We heard a tremendous amount of testimony and a number of suggestions for amendment. The committee felt that the bill should be put into interim study, allowing the towns and cities to have input. As the way the bill is written now, it would affect a number of towns, since it revises and reinstates provisions of RSA 49a, which is relative to city charters. The bill would also add a new chapter for town charters which provides an outline for optional forms of town government. It also changes current law regarding municipal charters. This bill definitely needs more study and the committee voted the bill go into interim study.

Adopted.

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill attempts to address problems that have arisen in the operation of the State's weights and measures regulatory program. The essence of the problem is that if there is a scale that is misreading, the Department of Agriculture in the State has to send the local police into an establishment and they arrest the employee who happens to be working there at the time. This is embarrassing, it is unfair and rather traumatic to say the least, especially if the employee has no idea what is going on. What this bill does, it would remove the criminal liability of an employee for the offenses cited unless the employee violates the provisions knowingly, in other words, unless the employee is in on the scam. The statute would clarify that employees would not be subject to arrest

or summons unless the employee was aware of his conduct or had knowledge of the wrongful act. It clears up a problem. We worked closely with Steve Taylor and I urge your adoption of the amendment and the committee report ought to pass.

Amendment to HB 1284

Amend section 1 of the bill by replacing it with the following:

1 Offenses and Penalties. The unnumbered concluding paragraph of RSA 438:40 is repealed and reenacted to read as follows:

Any person who, by himself or by his servant or agent, recklessly performs any one of the acts enumerated in RSA 438:40 shall be guilty of a misdemeanor. Any individual, acting as the servant or agent of another person, who knowingly performs any one of the acts enumerated in RSA 438:40 shall be guilty of a misdemeanor. A subsequent violation of this chapter perpetrated by anyone other than a natural person shall be a felony. Any person who violates any provision of RSA 438, or any rule or order issued under RSA 438 shall, in addition, be liable for a civil forfeiture not to exceed \$5,000 for each violation, or each day of a continuing violation, which may be collected in a civil action or in connection with an action for injunctive relief brought by the attorney general. Any person who violates any provision of RSA 438, or any rule or order of the commissioner, may be subject to the imposition of an administrative fine levied by the commissioner, not to exceed \$1,000 for each violation.

Amendment adopted. Ordered to Third Reading.

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.

Ought To Pass. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: This bill is the result of a project which was started by the Division of Mental Health more than eighteen months ago. This Department approached the New Hampshire Housing Finance Authority to see if they could participate in a full loan program in order to get low cost financial assistance to non-profit agencies which provide mental health and developmental services throughout the State. The NHHFA's existing statute specifically authorizes them to fund residential facilities for handicapped persons and it has the staff and technical skills to support a complex, multi-participant pool financing program. No other state entity has that authority to issue debts on behalf of, or finance, the type of facilities in question. Under the present statute of NHHFA, they could not carry out the proposed program, mostly due to the broad

range of service facilities which these entitled wish to finance, including facilities such as counseling, administrative and training. HB 1300 provides the correct language for the proposed pool loan effect. HB 1300 has the potential to provide significant benefits to non-profit community service providers throughout the State. And the Authority is fully prepared to implement the activities authorized by this change. We therefore ask you to pass this bill. There was no opposition to it.

Adopted. Ordered to Third Reading.

HB 1351, relative to employment termination.

Inexpedient To Legislate. Senator Charbonneau for the committee.

SENATOR CHARBONNEAU: The bill would have required an employer to furnish a terminated employee with a written statement of the reasons for the termination in his or her employment within ten days of the receipt of a written request for such reason. The committee heard no testimony that would relate to an unhealthy environment in the working area and felt this bill would upset the delicate balance and cause problems with both managers and owners of businesses, and the working man and woman of our State. We recommend inexpedient to legislate.

SENATOR JOHNSON: Senator Charbonneau, didn't this bill represent an unnecessary intrusion onto the affairs of private enterprise in the State of New Hampshire?

SENATOR CHARBONNEAU: It certainly did, Senator Johnson.

Adopted.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate.

Ought To Pass With Amendment. Senator Bass for the committee.

SENATOR BASS: This bill provides for certain exemptions from reporting transactions for two specific areas in reference to real estate sales. The first is in utility easements and the second is in transactions involving joint tenancy. A couple of years ago as part of the budget, we passed a provision that required an additional attestation sheet be added to all real estate transfers so that the DRA would be fully aware of what was taxable on the real estate transfer tax. But the fact is, we all know, the deed may say for the consideration of a dollar. There are stamps affixed to the deed which tell you what the amount of consideration was. This amendment basically

eliminates the attestation page and substitutes in lieu thereof a declaration which must be filed with the Department of Revenue Administration instead. This cleans up the problem of having a lot of extra material that has to be recorded. It removes the question that arises if the attestation page isn't there that the deed is properly recorded and therefor a valid deed, but yet at the same time it permits DRA to be aware of the value of the transaction for purposes of making sure that the tax was properly assessed. I urge the Senate's adoption of the amendment and the committee report of ought to pass.

SENATOR MAGEE: Senator Bass, you are not a tax and spend person. Did you hear this bill in committee? Is this another tax bill?

SENATOR BASS: No, it certainly isn't. In fact, it has nothing to do with raising or lowering any taxes. What it is, Senator Magee, it is a bill that is going to make the lives of those individuals who wish to purchase a house, be it a low income house or any other kind of house, a little bit easier and it will assure that their title would be a little bit clearer than it has been prior to this date.

SENATOR MAGEE: Senator Bass, did any testimony come before the committee as far as the registrar of deeds went from any of the communities, did they testify for the bill?

SENATOR BASS: Yes, they did.

SENATOR MAGEE: They were in favor of it?

SENATOR BASS: They worked out the amendment that we have before us in the Senate calendar along with the Department of Revenue Administration.

SENATOR JOHNSON: Senator Bass, just to follow up a little bit on what Senator Magee was asking you, isn't it true that we have significantly reduced the workload of the registrars of deeds?

SENATOR BASS: That is correct, Senator Johnson.

SENATOR JOHNSON: Isn't it also true that we now have protected the State by still requiring what the taxable amount of property transfers is actually?

SENATOR BASS: That is absolutely right, Senator Johnson. I couldn't have made the point better myself.

SENATOR JOHNSON: My final question, shouldn't Senator Magee feel good about this legislation?

SENATOR BASS: I don't know.

Amendment to HB 1370

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a statement of consideration and other matters
concerning the transfer of real estate.

Amend the bill by replacing all after section 3 with the following:

4 False Statements on Declarations of Consideration. Amend RSA 78-B:7 to read as follows:

78-B:7 False Statements. If any purchaser, grantee, assignee, transferee, seller, grantor, assignor or transferor who is a party to a transfer of real estate or an interest in real estate falsely states in writing upon any instrument to be recorded **or upon the declaration of consideration required by RSA 78-B:10** that no stamps are required, or attaches to the instrument an amount of stamps that indicate a purchase price or consideration less than the actual price or consideration, he shall be guilty of a misdemeanor and shall be subject to a penalty of 100 percent of the amount of additional taxes determined to be due, in lieu of the provisions of RSA 21-J:33.

5 Declaration of Consideration. Amend the section heading of RSA 78-B:10 to read as follows:

78-B:10 Declaration of Consideration Required [in Deed].

6 Form of Statement of Consideration. Amend the introductory paragraph of RSA 78-B:10, I to read as follows:

I. A declaration of consideration shall be filed with the department of revenue administration for each [deed recording a] transfer of real estate or [any] interest therein [shall contain a separate page which shall be recorded with the deed, and which shall be called the "Attestation of Consideration and Tax Stamp Page." Each such page shall:]. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the form of such declaration of consideration. Each form shall:

7 Acknowledged Signatures. Amend RSA 78-B:10, I(b) to read as follows:

(b) Contain a space immediately below the statement in subparagraph (a) for the dated and notarized **or acknowledged** signatures of both buyer and seller of the [deeded] real estate.

8 New Paragraphs; Exempted Transactions and Filing of Declarations. Amend RSA 78-B:10 by inserting after paragraph II the following new paragraphs:

III. A declaration shall not be required for transfers exempted by RSA 78-B:2 or transfers involving only utility easements.

IV. The declaration required by this section shall be filed with the department of revenue administration by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the registrar of deeds or transfer of real estate, whichever is later. Willful failure to file the declaration shall be deemed to be a false statement under RSA 78-B:7.

V. No deed, recording a transfer of real estate or any interest therein, executed before January 1, 1990, shall be required to comply with this section.

9 Compliance. Any deed that was recorded between January 1, 1990, and the effective date of this act, that failed to comply with the provisions of RSA 78-B:10, as constituted prior to the effective date of this act, shall be deemed to be valid and to pass good and marketable title if such deed complied with all other requirements of the law relative to deeds. This section shall not be construed to relieve any person from the penalty provisions of RSA 78-B for willful non-compliance with the provisions of that chapter.

10 Repeal. RSA 78-B:10, I(c), relative to accommodation of tax stamps, is repealed.

11 Effective Date. This act shall take effect June 1, 1990.

AMENDED ANALYSIS

This bill allows the transfer of real estate that occurs by the death of a joint tenant to be exempt from certain taxes.

The bill requires a declaration of consideration to be filed with the department of revenue administration on forms to be prescribed by the department.

The bill also establishes a penalty for willful failure to file or making false statements upon a declaration of consideration.

Amendment adopted. Ordered to Third Reading.

HB 1419, relative to the Monadnock Advisory Commission.

Ought To Pass With Amendment. Senator Johnson for the committee.

SENATOR JOHNSON: HB 1419 recognizes that there is an existing chapter in our RSAs relative to the preservation of Mount Monadnock-Gap Mountain. So what we have done in this bill here is add Little Monadnock Mountain to the area under State supervision. There was no opposition to this bill. It was supported by the Division of Parks. It was pointed out to us that Mount Monadnock is a national natural landmark and it certainly merits our attention and our protection.

SENATOR BASS: I rise in support of the committee motion, the committee report rather. I just want to commend the sponsors, both of whom come from district 11, and I want to urge my colleagues in the Senate, as soon as the weather gets a little bit warmer to come down to the beautiful Monadnock region and experience this truly unique, significant landmark, and hope that you all will expand this area to include the Fitzwilliam - the Gap area and pass this bill on the third reading in the late session.

Amendment to HB 1419

Amend RSA 227-D:5 as inserted by section 4 of the bill by inserting after paragraph VI the following new paragraph:

VII. Issue an annual report to the member communities.

Amendment adopted. Ordered to Third Reading.

HB 1117, relative to children attending camp facilities.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: At the present time, before a child can enter a summer camp they have to have physical examinations. Currently, only physicians can conduct the exams. This bill will allow advanced nurse practitioners and physician assistants to be able to do those exams as well as physicians. There are a number of camps in the State and we heard from some of them, for example Camp Spaulding which is under the auspices of Child and Family Services, that are specifically for children from low income families and while they are able to attend camp, the cost of the examinations is very expensive. Bringing New Hampshire in line with what other States are doing and allowing other than physicians to conduct the exams will reduce the cost for these children. Our committee thinks that is a good idea.

Adopted. Ordered to Third Reading.

HB 1118, relative to the disabled.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB 1118 started out to be a bill dealing only with the color of leashes with different types of dogs specifically trained to assist disabled individuals. It has, as it has come through the process, had other amendments added to it. So it is more than merely relative to the disabled. The first section has to do with the color of leashes for different kinds of dogs. It specifies that there be a certain color leash for people who have dogs when they

are hearing impaired. Currently, New Hampshire law requires that it be a yellow leash, other states require an orange leash. This bill would put New Hampshire in line with other state laws. The second issue in the legislation is to allow the Department through the division of vocational rehabilitation to recover funds expended in cases in which clients receive a financial settlement from a third party. Finally, the last section of the bill enables the Department to set up a revolving account in which to deposit fees collected from the certification of sign language interpreters. I urge the adoption.

SENATOR HEATH: Senator Krasker, I think I am fairly sensitive to the handicapped. But what, in God's name, are we doing legislating the color of dog leashes?

SENATOR KRASKER: Because, people who are blind are more easily recognized as having that impairment. But, what we were told was that people who may be hearing impaired want to have their dogs with them all the time, but it is often very difficult for them because they don't have any outward sign of impairment. The color of the leash is recognized as a sign of a particular impairment necessitating a dog being with you. Because New Hampshire has had a different color leash law, it has been a problem for people who can't hear in this State when they go other places.

SENATOR HEATH: I have been around dogs all my life, trained them as hunting dogs and sled dogs and been around dog people and had dog shows, I have never in my life heard that there was a color code on leashes for various kinds of handicaps. That tells me that the general public probably also is pretty well unaware that there is a color code on it. I suggest to you that those who are blind would have trouble knowing that they ran into somebody with a dog that belonged to a person who is deaf. Isn't this going way beyond what the government was intended to do?

SENATOR KRASKER: Senator Heath, right now there is a color code for dogs that are hearing impaired that is causing problems.

SENATOR HEATH: How do I know that it isn't somebody with a designer leash?

SENATOR KRASKER: You can trust me, Senator Heath.

SENATOR MCLANE: Senator Heath, are you glad that we are not trying to change these leash colors from hunter red to hunter orange?

SENATOR HEATH: Senator McLane, I think government has a legitimate role and because we have annual sessions, or even if we had biennial sessions, that there is some imperative that because we

are here whether it is every year, every month or every day to do something, to look like we are being productive. I think we are so compelled to put a product out that we have run out of things to regulate and we are looking, sorting around to our little portions of life that we think we can interfere with and maybe make a little better. I don't distrust the intentions of people who serve in government or I wouldn't be here, but I think color coding leashes is going just a little bit beyond the scope of what the founding fathers of this State and this Nation intended when they thought of government and the purpose of it and rethought it. I think they put a pretty good framework together. I think it just goes a little too far. I don't object to the rest of the bill, but color coding leashes, I object to.

Adopted. Ordered to Third Reading.

HB 1174-FN, relative to laws regarding children and minors.

Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This bill as amended by the House came to our committee as a desperate cry for help from the Division of Children and Youth. They are overloaded. There are caseworkers at the Division of Children and Youth that if you count the members of the families that they are dealing with, they are dealing with up to ninety people. The acceptable load for a caseworker dealing with children in trouble is fifteen to twenty. The division, in its desperation, tried to cut down on the definition of CHINS, children in need of services, that they have to serve. The hearing and the subsequent meetings that we had with people from the division and with the judiciary were very, very helpful. We all want to help. The bill that you have before you makes a few small changes, but it does not remove, as they asked, the word rehabilitation from the services they are supposed to give to CHINS. It does not remove the word incorrigibles. And, it does not limit to one year what services are owed to CHINS. The bill makes several small changes, such as recognizing emancipated minors from other States, allowing the office of reimbursement to also cover the Philbrook unit, recognizes probation officers from other states, and adds a reference to Interstate Compact, which will permit minors who are placed out-of-state but on conditional release to have their supervision supervised in the State where they are placed. The bill also allows that sixteen and seventeen year olds who are brought up on alcohol related offenses, be treated in adult courts instead of juvenile court. It does try to make families that report their children as disobedient or incorrigible and it brought those children to the courts are often times trying to liter-

ally get rid of those kids, it makes the families sign on to the case plan that the Division of Children and Youth prepares, so that these children will still be the responsibility of these parents. I think that the bill as amended by the Senate is a much more helpful bill to children and to courts and an important bill for us to pass today.

SENATOR JOHNSON: Senator McLane, I am having a little bit of difficulty following the intent of this bill here, but I get the impression that this bill is limiting the number of people who can fall under the definition of CHIN and yet it sounds to me like those are people who ought to be receiving some kind of services. Help me understand this please?

SENATOR MCLANE: You are exactly correct. The original intent of the bill was, as I said, a call for help from DCYS that said we have 1200 kids we are dealing with right now that are CHINS. We don't have enough social workers, you have cut our budget, you have cut people out, narrowed the scope of what we are intended to do. They tried to do it by saying that they didn't have to treat them so long, removing the word rehabilitate, all of these ways to narrow the scope. The Senate did not accept those amendments. We think that the way to treat CHINS is a way to save money eventually for the State. So we refused to accept the narrowing. What we did do was take the good parts of the bill, free them up a little bit, and pledge to them that we would work with them to help them get down their case load.

SENATOR JOHNSON: Senator McLane, would you believe that I continue to have a lot of concern about the Division of Children and Youth Services always crying that they don't have enough staff?

SENATOR MCLANE: I would suggest that you read last Saturday's Concord Monitor with some real life human examples of how stretched these people are, and perhaps you would feel a little more charitable towards them.

SENATOR JOHNSON: Senator McLane, if I agree to read that article in the Concord Monitor to which you refer, will you then agree to read three letters that I have received within the past week that alleges gross mismanagement by the Division of Children and Youth Service?

SENATOR MCLANE: It is a trade, sir.

Amendment to HB 1174-FN

Amend the bill by replacing sections 6 and 7 with the following:

6 Placement Dispute Resolution. Amend RSA 135-C:67 to read as follows:

135-C:67 Admission and Discharge; **Dispute Resolution**; Rule-making.

I. Notwithstanding any other provision of law, the director, after consultation with the director of the division for children and youth services, shall adopt rules relative to eligibility criteria and procedures for admission to and discharge from the Philbrook center.

II. **In cases involving a dispute between the director and the director of the division for children and youth services concerning the admission or placement of a child, the director shall appeal to the commissioner, department of health and human services, for resolution of the dispute. The commissioner shall establish an appeals procedure pursuant to RSA 541-A relative to appeal and dispute resolution procedures.**

7 Purpose Statement; CHINS. Amend RSA 169-D:1, V to read as follows:

V. To achieve the foregoing purposes and policies by providing each child coming within the provisions of this chapter with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitative resources which he needs and [has a right to receive] **for which the court can provide.**

Amend the bill by replacing section 8 with the following:

8 Clarification of Definitions; CHINS. Amend RSA 169-D:2 by inserting the following introductory paragraph and amending RSA 169-D:2, I to read as follows:

In this chapter:

I. "Child" means a person who is under the age of 18 **on the date the petition is filed pursuant to RSA 169-D:5.**

Amend RSA 169-D:2, IV(b), (c), and the unnumbered concluding paragraph as inserted by section 9 of the bill by replacing them with the following:

(b) A child who habitually runs away from home, or [otherwise] **who** repeatedly disregards the reasonable and lawful commands of his parents, guardian or custodian and places himself or others in unsafe circumstances.

[(c) A child who has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state; or has committed an offense which, if committed by a person 16 years of age or older, would be a violation under the motor vehicle code of this state; or has violated an ordinance or bylaw of a city or town.]

Only if an express finding has been made of [one] **either** of the foregoing, a child who is also expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation.

Amend RSA 169-D:5, V(a) as inserted by section 10 of the bill by replacing it with the following:

(a) Made a formal determination whether the minor is educationally handicapped as defined in RSA 186-C; or

Amend RSA 169-D:10-a, II and III as inserted by section 12 of the bill by replacing them with the following:

II. A case plan for return of the child to the home has been recommended by the division, which in its recommendation shall address parent and child responsibility, and ordered by the court; provided, however, that in cases brought by a parent, guardian or custodian, the parent, guardian or custodian shall consent to the order.

Amend RSA 169-D:17, I(a)(2) as inserted by section 13 of the bill by replacing it with the following:

(2) Placing the child on conditional release for a term of 2 years or less.

Amend the bill by replacing section 14 with the following:

14 Limitations. Amend RSA 169-D:22 to read as follows:

169-D:22 Limitations of Authority Conferred. This chapter shall not be construed as applying to persons 16 years of age or over who are charged with the violation of a motor vehicle law, an aeronautics law, a law relating to navigation of boats [or], a fish and game law, **or a law relating to title XIII, alcoholic beverages.**

Amend the bill by replacing section 16 with the following:

16 New Section; Court Ordered Placements. Amend RSA 169-F by inserting after section 3 the following new section:

169-F:4 Consent Agreements. The court shall not approve any consent agreement unless the division for children and youth services has been a party to such agreement and has been given an opportunity to be heard.

Amend the bill by replacing sections 19 and 20 with the following:

19 Date Extended. Amend 1988, 197:12 to read as follows:

197:12 Certification of Shelter Care/Detention Beds. On or before [December 31, 1989] **September 30, 1990**, the division shall certify to the administrative office of the courts of the New Hampshire supreme court [60] **a minimum of 45** geographically distributed shelter care/detention beds. Thereafter, the division shall maintain an appropriate number of shelter care/detention beds, based on the certificate of need formula as established in rules adopted pursuant to RSA 170-G:5.

20 Date Extended. Amend 1988, 197:16, I to read as follows:

I. RSA 169-D:9-b as inserted by section 7 of this act, and section 13 of this act, shall take effect on [December 31, 1989] **September 30,**

1990, or 60 days after the certification of [60] a **minimum of 45** shelter care/detention beds as provided in section 12 of this act, whichever occurs first.

AMENDED ANALYSIS

This bill makes several changes in laws relative to children and minors, including requiring that New Hampshire recognize the emancipation of a minor when the minor provides documentation that he had been emancipated in accordance with the laws of another state.

The bill also redefines a child in need of services as a child who is less than 18 years of age on the date the petition alleging the child is in need of services is filed.

The bill requires that in order to remove a child in need of services from his home, (1) clear and convincing evidence must be presented to the court to show it is against the child's best interest to remain in the home, and (2) a case plan for return of the child to the home has been recommended by the division for children and youth services and ordered by the court, provided that in cases brought by a parent, guardian, or custodian, the parent, guardian, or custodian must consent to the order.

The bill permits the district court to order a mental health evaluation of a child alleged to be in need of services for the purpose of determining if the child is competent to have committed the acts alleged in the petition. The court may order such evaluation either on its own motion or that of any of the parties.

This bill expands the types of violations which are excluded from the application of RSA 169-D, children in need of services, for children 16 years of age or older, to include violations of title XIII, alcoholic beverages.

The bill also makes some minor statutory changes relative to the admission of children to the Philbrook center for children and youth.

Amendment adopted. Ordered to Third Reading.

HB 1254, relative to smoking in laundromats and on buses.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: The subject matter of HB 1254 is contained within SB 379. The committee has voted ought to pass but Senator Preston will ask that it be tabled.

Adopted. Ordered to Third Reading.

Senator Preston moved to have **HB 1254** Laid on the Table.

Adopted.

HCR 11, relative to rural hospitals.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: HCR 11 urges the support of the congressional delegation for legislation that is presently pending in the United States Senate to increase to 100 percent the medicare payments that are available to rural hospitals. At the present time, that average is 39 percent less than for urban hospitals, and in light of the very makeup of the State of New Hampshire for equitable treatment of our hospitals and their ability to pay, we urge you support the resolution.

Adopted. Ordered to Third Reading.

HCR 12, relative to the AIDS virus.

Ought To Pass. Senator Bond for the committee.

SENATOR BOND: This concurrent resolution recognizes the urgent need to manufacture, distribute and market cost sensitive drugs which will ease the burdens both of the individual infected with AIDS and the governments which assist them. You will find on page 2 that resolve that the State of New Hampshire urge the speedy manufacture, distribution, and marketing of these drugs at the lowest possible cost to ease the financial burdens of individuals. And that the National Institute of Health be encouraged to promote the development, manufacture, and distribution of less expensive drugs. The testimony that we heard was that the cost of drugs for the treatment of AIDS are prohibitively expensive and anything that we can do to help urge the reduction of that cost and the speed of development is very necessary.

SENATOR NELSON: Senator Bond, I have two questions. One is on page 2 of the bill. The part that says the New Hampshire Division of Public Health Services be encouraged to use the most cost effective methods in purchasing and distributing such drugs. The question is, does the Division of Public Health have money in the budget to even help the people of the State of New Hampshire who need to pay for these drugs, let alone encourage some resolution to Washington?

SENATOR BOND: Senator Nelson, at the risk of admitting how much I don't know about the budget, there is some funding in there for dealing with AIDS, but I can not tell you what it is.

SENATOR NELSON: Well it is ten minutes to four in the afternoon, and you all look as if you are ready to go home, but I am going to take a chance and risk this. I just want to bring this to your atten-

tion. You see this concurrent resolution 12, where we are going to urge the world to do more for patients with AIDS, to the AIDS virus. Right here in New Hampshire, we have people with AIDS. People have died in this State. We have cut back funding so people might not even get medication. I suggest that instead of a resolution, that instead of passing these resolutions that we get down to brass tacks and actually do something here in this State. And if we want the government to do it, let's call our own Representatives. I think this resolution, with all due respect to everybody who did it, does nothing.

SENATOR KRASKER: I couldn't agree more with the thrust of Senator Nelson's remarks, but she should know that there has been convened a Governors' Task Force on AIDS that the Division of Public Health has a unit within the division trying to put together exactly the kind of programs you are talking about, Senator Nelson. We hope to be able to report in the next session the recommendations of this committee will do exactly what you would like to see.

SENATOR DISNARD: Senator Nelson, do you believe I have a neighbor who beats his dog, and doesn't like it when the man up the street does the same thing? I am agreeing with you.

SENATOR NELSON: Well, we are passing laws against child abuse.

Adopted. Ordered to Third Reading.

HCR 18, urging a statewide conference on families.

Ought To Pass With Amendment. Senator McLane for the committee.

SENATOR MCLANE: This was an educational experience for all of us. There is no one in this room that doesn't care about families and want to encourage families. I don't think that it had occurred to many of us that the word family is an exclusionary word. There is a school in my district where 65 percent of the students come from single parent homes. One out of five kids in the United States live with either their mother or sometimes their father, and 17.3 percent of the families in New Hampshire are single parent families. For that reason, because we care deeply that a conference on families not be exclusionary, we have changed the opening sentence of this resolution to admit that one of the reasons that we are having the conference is to talk about how we can encourage those mothers and sometimes fathers in the difficult situation of raising a child alone, how we can help. So the resolution now reads, Whereas, the institu-

tion of the family has changed, so that it now includes more than just the traditional, intact, two-parent family unit, which most of us grew up with. So I think that that makes it clear that this conference, a necessary step for this State, will include the single parent family.

Amendment to HCR 18

Amend the resolution by replacing the first paragraph after the title with the following:

Whereas, the institution of the family has changed so that it now includes more than just the traditional intact 2-parent family unit; and

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Bartlett in the Chair.

COMMITTEE REPORTS

HB 1193-FN, relative to wage withholding.

Ought To Pass With Amendment. Senator Bond for the committee.

SENATOR BOND: This bill clarifies the language of existing laws relative to wage withholding in domestic support cases, in order to comply with federal regulations, and to clarify certain penalties for refusing or failing to comply with the statutes. The hearing at which this was presented was attended by representatives of the Parents for Justice and Fathers United, who are not known frequently to agree on anything. But, they did come in on total agreement that there was a need, in conjunction with this review of domestic support cases, to include input from the custodial and non-custodial parents. So the amendment, which you will find on page 11, establishes a new section nine, child support guidelines, family advisory committee. That committee is established to meet periodically and to provide input into the department. The department was not happy with having this added, because they felt it was a separate issue from the federal guidelines material but it was the closest thing to being germane that the parents could find. The result of the discussions that we had, we had a hearing and several discussions including a working executive session, at which the parents and the department openly discussed their problems. The committee felt that it was important that the concerns of the parents be considered and we have proposed the amendment.

SENATOR ROBERGE: I have served on the study for child support enforcement issues since 1976. I submit to you that this is the report that came out of the 1976 study committee. People who served on that committee: David Engel, an attorney; Jean Amerlan, an attorney in private practice; Nancy Batemen, of the Governor's office; David Bundy, Director of Children and Youth; Dick Chevrefils, Director of Human Services, Youth Division; Mike Granolis, Fathers for Equal Justice; Honorable William O'Neil, a judge; Representative Judy Parisol; myself; Susan Saggiotes, Legal Representative for the Division of Health and Human Services; and Art Stuckis, the Administrator of Child Support. This is what came out of that committee. That committee, made up of some public members, was so divisive it had to be disbanded because it couldn't come up with any definitive ideas for legislation. It was disbanded and we started another committee and that committee served from 1976 to 1978 and came out with chapter law 253:2 in 1988. This committee was made up of a representative from the governor's office, a number of Senators and Representatives, the administrator for Youth Services-Child Support enforcement, and a marital master. This is the committee that came up with the recommendations for the legislation that you now have. This legislation is mandated by the federal government. We can not afford to go back on what we have done. We are mandated to do this or we are going to lose money from the federal government. I think that we have studied this enough for now. Let's see how well it works. We have studied it to death and do not need another study committee. We don't need a study committee made up of those people, very much like this original study committee. This study committee made up of custodial parent, mother, non-custodial parent, father, in the general sense is going to be divisive. It is an emotional issue. They never agree on anything and all they did was stonewall the committee for two years. I worked on that committee, it was totally frustrating. I don't want to see us go back to that. I would like the bill to pass unamended. Please vote against the amendment.

SENATOR HEATH: I don't know why this bill came to Interstate Cooperation. But it legitimately could be said to be there because it has to do with wages and the taking and attaching of wages and a lot of problems with that are from out-of-state. So I think legitimately it had a hinge to be in our committee. But it surprised me. It surprised me also when Sarah Dustin came into my office and asked me to listen to what she had to say and I agreed with her. It should surprise everyone that knows the both of us that she and I would agree on anything. She was instrumental in garnering from me an award a couple of years ago, the Scrooge and Marley award. Because I was

so unsympathetic towards the issues that she and her group represented. It is a minor miracle, I think, that she and I would agree. And why do we agree? We agreed because even Sarah Dustin knows when something has gone too far and something is wrong. And I know when something has gone too far and something is wrong. This bill came to us, and the first thing that we have is Representative McCain and he comes in and he pounds his fist on the table and his face reddens and he says if you touch a hair on this bill, it is dead. Well, I suggest to you as Senators if you don't vote for this for any other reason, you do it to protect the integrity of the Senate. But there are a lot better reasons. It was a direct threat. Then we heard from the people from the department and they essentially said the same thing except their language was so full of sexist references that I asked them several times to correct them. AFDC mothers, AFDC fathers, mothers and children, there are fathers with children. My brother has raised his two little girls since his divorce practically, with the exception of a few years. Fathers United spoke to us, but also mothers who were having trouble with the agency. In fact, every client of the agency who came to that hearing complained about the agency. A mother came in and said that the agency has managed to get her and her ex-husband, who were getting along and was making payments, through a screw up in their bookkeeping, they got them fighting again because the check didn't arrive and she went to the agency and the agency said he hadn't paid it. When she finally got through to her ex-husband it turns out that he had. There is a problem. This committee, which I would submit to you the list of names that were read there is some evidence of the quality of the product. This committee came up with guidelines. Now nobody wants to look back at them. They are not working, we are hearing complaints. We heard it from men and women. Non-custodial parents. That's what we are talking about. We are not talking about mothers versus fathers. We are talking about non-custodial parents. We had a father who was trying to support his children. He might not like his wife but he is trying to support his children, and what happened? He got an odd job and the agency started bugging the people who had hired him, he was making about a hundred dollars a week doing odd jobs, making them attach his wages. What did they do? They didn't need the complications. They said we don't need you anymore. We are not going to use you. They weren't an employer of this guy. This guy was trying to eke out a living, so what happens is the children don't get a portion of even a hundred dollars. The agency is running amuck. And all this does is establish a group to look at, they don't have any ability to go in and do anything, all they have is an ability to look at it, talk about it, come back and make a recommendation. What are you afraid of, information? And it is not

one that is tipped toward the fathers. And I will tell something. I was stunned to hear people who work for the State of New Hampshire refer to the Fathers United as the FU's. And if you don't think that is biased, and I am not divorced, never have been divorced and I don't have children, so I don't have a personal gripe in this thing. But I don't think an agency, that you would put up with an agency if they referred to black people as niggers and it seems to me that there isn't a lot of difference in referring to the Fathers United as the FU crowd. All this does is establish a committee to look back and report after the thing has been out there. A committee established this, let's look at it once it is out in the field and see how it is working. We had reports it wasn't working. I would ask to stay with the amendment and give it an opportunity. And also say to the House that the Senate does sometimes have a voice and they don't come over and say touch this and we will kill it. If they want to kill it that is their business, but I think we ought to sustain our position.

SENATOR NELSON: Senator Heath, did I hear you say that the Department came in in favor of this amendment?

SENATOR HEATH: The Department came in opposed to the amendment. They told me that they had to have this legislation. That it was federally mandated. They offered no proof of it. They just said that. I have heard that before, it doesn't move me. I don't move for the federal government. They don't run this legislature any more than the House runs the Senate. Then, when we said that it was very likely we are going to attach this, and I said if you want we will sit down, we will have a second hearing or get together to work on this thing, they said that will be nice. Because I said it is likely that we are going to do something with this bill except rubber stamp it. They called up and said we changed our mind, we don't want to meet with you. I said why not and they said well, we don't really need this bill. We talked to Representative McCain, and he is going to kill it anyway, so we really don't need it. Well, first, they needed it worse than life itself, and then they didn't need it. And then I said that we are going to have an exec session and you are welcome to come and we also invited the various interest groups and they came and they participated. So it really had two hearings. And in all of the two hearings, nobody but the department came in in support of doing anything other than what we did.

SENATOR NELSON: Senator Heath, would you believe that I was part of a committee that traveled around the State of New Hampshire last year, a joint committee to study just this issue, we went to Portsmouth, we went to Nashua, we went to Concord. We had times that were convenient. We met up here until 8:00 at night. That was a

special committee that Senator Podles sent around the State on top of having met. Would you believe that the question of integrity of the Senate is that Senators from this room worked on this particular piece of legislation and voted on it and had many open hearings. I wanted to make it clear that at no time did I ever hear anyone on the committee refer to any organization by their first initials, nor any put down remarks come out of anyone's mouth. I just thought for the record that would you believe that?

SENATOR HEATH: I heard those words out of the mouths of people who work in an agency of the State of New Hampshire.

SENATOR MAGEE: Senator Heath, did you have a discussion with a resident of the city of Nashua on the same subject matter about a week or ten days ago?

SENATOR HEATH: I may have. I had a lot of phone calls after that and most of them were from non-custodial parents saying at last that someone is listening to them.

SENATOR MAGEE: I think the gentleman's name was Mr. Fitzgerald. I am not quite sure what Senate district he lives in. He did say it was Nashua and I didn't get the street from him. I got a letter from him that I think we talked about.

SENATOR PODLES: Senator Heath, would you believe that these guidelines were just adopted in August of 1989, and they were not even put to a test. They did not have a chance to be put to a test?

SENATOR HEATH: Absolutely, that is why we felt that we would put this at a date forward in time and they could watch it and see if it works. But the guidelines are only changed slightly, it isn't like you are working with a whole new breed of animal here and there is unhappiness going on already. So I would suggest that having somebody watch it and come back in and make suggestions is harmless. It costs not a penny to do it and it is a pretty well balanced committee.

SENATOR PODLES: Would you believe, Senator Heath, that there are always litigants that are unhappy because they get an unfavorable from the court, or favorable or unfavorable judgment from the court?

SENATOR HEATH: I certainly believe that. I think that is obvious. I think that it is obvious that this is an emotional area. I think that what we should do is that instead of concentrating on the color of leashes to work on problems like this. And the way we have to do this is to listen to the people involved. We listened to the people

involved. And to a person who came in to testify on this it wasn't working. Earlier today, you asked for some housekeeping on a bill that you had sponsored, the early version, and the housekeeping is to change it because something went wrong. And what we do, we don't do perfect work, and we don't write it in bronze or cement, we come back when there is something wrong and we adjust it. This is a way to make some adjustments as they are needed.

SENATOR ROBERGE: Senator Heath, would you believe that the complete title for Fathers Justice is Fathers United for Equal Justice? That could explain the reference that you said you heard.

SENATOR HEATH: Yes, I would believe that their entire name is as their proper name is Fathers United for Equal Justice. That is why I can not understand use of a perjorative, slingshot acronym used on a group that, by the way, is twenty percent women.

SENATOR ROBERGE: I guess I agree with that terminology. Having worked on the committee, would you believe that they do not allocate funds from second jobs or part-time jobs in the allocation of child support. That is part of current law.

SENATOR HEATH: Senator, if that is so and I don't have any reason to doubt you, if that is so then you have just underwritten the charges of abuse by that agency because they went after exactly that type of thing so they are in violation of the law if you are correct.

SENATOR ROBERGE: I guess I would have to see that.

SENATOR KING: I will be brief. Folks, this is an advisory committee only, composed of people from all different sides of the issue. This is not a committee that has a specific agenda except to bring the public's view point, from those who are affected by the rules and the laws that we pass into the process. So that we do not just have those who are within the agency overseeing how well we are doing in terms of carrying out the rules. That is the fox guarding the chicken house. I am not saying whether they are doing a good job or whether they are not doing a good job. Because I, frankly, do not know the answer to that. I have heard a lot of people on different sides of this issue. I am not convinced one way or the other. I am convinced, however; that it is not unreasonable for us to say let's put some of the people who are not insiders here, who are being affected by rules and laws into the process and allow them in an advisory capacity to have some input so that maybe, just maybe, we can figure out ways that we can better serve all of the people who are involved.

SENATOR MCLANE: Senator King, if this amendment were just to set up a study committee it would be one thing. But isn't it true as well that it changes the law on the enforcement of child support regulations?

SENATOR KING: No, that is not the case, Senator McLane. The only thing this does is first of all, it does not set up a study committee. It sets up a small advisory committee that is really there just to work with the agency to say, here are some of the problems that are being brought to us by various groups. The organizations represented include organizations that advocate for families which are usual in their relationships, organizations for non-custodial parents, for custodial parents, a custodial parent receiving AFDC, and a custodial parent not receiving AFDC. No reference to men or women, or anything like that, but they are outside the agency so they bring the perspective of those who are being affected by the rules and by the laws, but there is no change otherwise to the existing laws.

SENATOR MCLANE: If these AFDC mothers are not receiving payments that would go back to the State, and if the State does not comply with the new federal regulations on withholding support, isn't it true that the State of New Hampshire would lose money?

SENATOR KING: I am sorry I didn't understand the question.

SENATOR MCLANE: If this bill does not pass in the form that it was submitted, the State of New Hampshire is liable to lose money both in enforcement for AFDC fathers and in compliance with the federal regulation.

SENATOR KING: The answer to your question is if this bill passes as amended by our committee, all the statutes, all the federal regulations will have been met and everyone will receive the money that is due to them.

SENATOR PODLES: Senator King, would you believe that under the Family Support Act, these guidelines are reviewed every two years. They have these advisory committees in operation now, so what you are doing here is you are repeating everything. You are doing something that is being done.

SENATOR KING: No, I would not believe that. For the simple reason, this is an advisory committee only to work with those in-house review teams. There is nothing wrong with saying, with admitting, for us to admit that State government doesn't have a monopoly on knowledge and doesn't have a monopoly on good ideas about how to solve problems that the more you can involve citizens in the process,

the better the final product is going to be. All we are saying is that you involve citizens in the process.

SENATOR PODLES: Senator King, then would you believe that when an advisory committee gets together they take everything apart and start all over again with new rules and new regulations. And which will not comply with federal law?

SENATOR KING: I guess I have a lot more respect for the people of the State of New Hampshire than you do, because I believe that they are capable of doing it.

SENATOR ROBERGE: I just want to make a statement. I have with me here child support guidelines review plan. It was enacted in February of 1990, and it requires the guidelines to be defined as in RSA 458:c:6. This is the report that you are referring to. It has already been done.

Division vote on the adoption of the committee amendment.

10 Yeas

13 Nays.

Amendment failed.

Senator Heath moved to have **HB 1193** Laid on the Table.

Failed.

Question is shall the bill be ordered to third reading.

Adopted. Ordered to Third Reading.

RESOLUTION

Senator Charbonneau introduced **SR 3** relative to Lithuania.

SENATOR CHARBONNEAU: Resolution 3, relative to Lithuania. This resolution urges the President and Congress of the United States to recognize the Republic of Lithuania as an independent nation and to establish diplomatic relations with the Republic of Lithuania. This country has been suppressed for over forty years. The people in Lithuania desire to be recognized as an independent and sovereign nation.

SENATOR MAGEE: I rise in support of Senator Charbonneau's resolution. I believe that basically the situation that is happening in Europe and so forth, economically it is a scary situation. I don't think that Senator Charbonneau's resolution is making them do anything. It is just suggesting to the people of Lithuania to take a look at what we have here and someday they can have that situation in

their own country. I think they deserve that chance. I don't think it is going to happen overnight, but I think that is basically what this resolution says.

SR 3

STATE OF NEW HAMPSHIRE
In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION
relative to Lithuania.

Whereas, the Senate of the state of New Hampshire finds that:

(1) Throughout a 50-year history, the United States has never recognized the forcible incorporation of Lithuania on August 3, 1940, into the Soviet Union; and

(2) In the multiparty elections held this past February 24, 1990, the people of Lithuania gave a clear mandate for the restoration of independence to their newly elected legislators; and

(3) The new Parliament of Lithuania has demonstrated great courage in exercising the mandate for democracy and self-determination given them in those elections by declaring the restoration of an independent Republic of Lithuania on March 11, 1990; and

(4) Mr. Vytautas Landsbergis, the newly elected President of the Parliament of Lithuania has asked for American support in his negotiations with the government of the Soviet Union; and

(5) Thousands of New Hampshire's citizens and millions more throughout the United States are emigres of Lithuania or are descendants of Lithuanian heritage; now, therefore, be it

Resolved by the Senate:

That the Senate hereby respectfully requests that the President of the United States and Congress formally recognize the Republic of Lithuania as an independent and sovereign nation; and

That the United States establish full diplomatic relations with the Republic of Lithuania; and

That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

Senator Bond moved to have **SR 3** Laid on the Table.

Adopted.

Senators Magee, Nelson, and Charbonneau wished to be recorded as opposed to the action.

RESOLUTION

Senator Johnson introduced **SR 5** to make New Hampshire a safer, more supportive environment for mothers, fathers, and children.

SENATOR JOHNSON: SR 5 simply says that it is a resolution to make New Hampshire a safer, more supportive environment for mothers, fathers, and children. Whereas unwanted pregnancies do occur, and whereas more children than ever before are living at or below the poverty level, and whereas households headed by single parents are increasing at a rapid rate, and whereas many unwanted children are the victims of child abuse, now therefore be it resolved by the Senate that the New Hampshire Senate hereby pledges to make New Hampshire a safer, more supportive environment for mothers, fathers, and children. I think we have enough evidence today and prior to that we have an opportunity to, indeed, accomplish this goal and this simply says that the Senate recognizes that there is room for improvement here and that we are going to work toward it. I urge adoption of this resolution.

SENATOR NELSON: I would not put my name to this resolution. Although, I know, on the face it seems like a wonderful thing to do. But, it does absolutely nothing for the unwanted children, nor does it do anything for the single parents in this state, nor does it do anything for children of abuse. If we want to do something for children, then let's give them a little more money over in those divisions. With all due respect to my colleague, Senator Johnson, it is great that we say these things but it is another example of us trying to pass a piece of feel good legislation that amounts to not helping any of these people.

SR 5

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION

to make New Hampshire a safer, more supportive environment
for mothers, fathers, and children.

Whereas, unwanted pregnancies do occur; and

Whereas, more children than ever before are living at or below the poverty level; and

Whereas, households headed by single parents are increasing at a rapid rate; and

Whereas, many unwanted children are the victims of child abuse; now therefore, be it

Resolved by the Senate:

That the New Hampshire Senate hereby pledges to make New Hampshire a safer, more supportive environment for mothers, fathers, and children.

Adopted. Ordered to Third Reading.

Senators Magee and Nelson wished to be recorded as opposed.

REMOVED FROM THE TABLE

Senator Bond moved to remove **HB 1438** from the Table.

Adopted.

Committee recommendation Ought to Pass with Amendment.

SENATOR BOND: At the present time, we have the committee amendment before us. Senator Disnard has a major concern about the committee amendment and I have had prepared a floor amendment which I would substitute for the committee amendment. The substance of the bill is extremely important. It is not worth losing over our disagreement on the fee on the Vermont trash. Which would mean killing the committee amendment.

Committee amendment failed.

Senator Bond offered a floor amendment.

SENATOR BOND: This floor amendment pertains to the minimum of forty percent reduction goal for the year 2000. It includes the coverage for the removal of wet cell and dry cell batteries from the waste stream.

SENATOR MCLANE: Senator Bond, if I am feeling down in the dumps, is this going to help me?

SENATOR BOND: You trashed that one, Senator.

SENATOR DISNARD: Senator Bond, would you believe that the people in the fifteen towns on my side of the river, and the thirteen towns on the other side of the river, wish to thank you?

SENATOR BOND: I would believe that, Senator.

Floor Amendment to HB 1438

Amend RSA 149-M:1-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The general court further declares that the goal of the state, for the period 1990-2000, is to achieve a 40 percent minimum weight reduction in the solid waste stream on a per capita basis. Weight reduction shall be measured with respect to changes in the total

waste stream generated. The goal of weight reduction shall be achieved through source reduction, recycling and reuse, composting, and any other method approved by the division of waste management, or any combination of such methods. Ash resulting from waste-to-energy technologies or other incineration shall not be subject to further weight reduction. Existing source reduction, recycling, reuse, and composting efforts and any other weight reduction efforts approved by the division shall be considered as counting towards the 40 percent weight reduction goal.

Amend RSA 149-M:1-a, V as inserted by section 1 of the bill by replacing it with the following:

V. In exercising any and all powers conferred upon the division of waste management under this chapter, the division shall consider criteria relevant to the declaration of purpose established in this section. The division shall not take any action relative to the 40 percent weight reduction goal which causes the municipalities organized under RSA 53-A and 1986, 139 or RSA 53-D to violate or incur penalties under existing legal obligations.

Amend the bill by replacing section 3 with the following:

3 Method of Compliance Required. Amend RSA 149-M:19, III to read as follows:

III. Each district and municipality shall be responsible for demonstrating continuous compliance with its plan as approved by the division of waste management. Each district and municipality shall file a biennial report detailing its compliance with the plan submitted under this chapter. **The first biennial report shall include an identification of the method or methods by which each district and municipality proposes to comply with the battery disposal prohibition effective January 1, 1993, established in RSA 149-M:22, V.** Should the division of waste management determine that a district or municipality is not in compliance, it shall issue a remedial order.

4 New Paragraph; Batteries. Amend RSA 149-M:22 by inserting after paragraph IV the following new paragraph:

V. Beginning January 1, 1993, no wet-cell batteries shall be disposed in a solid waste landfill facility or incinerated, whether in a waste-to-energy facility or otherwise.

5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes the goals and objectives for the reduction of solid waste for the state of New Hampshire. Under this bill, the general court endorses, in order of preference, the following waste management methods:

- (a) Source reduction;
- (b) Recycling, reuse, and composting;
- (c) Waste-to-energy technologies (including incineration);
- (d) Incineration without resource recovery; and
- (e) Landfilling.

The bill also prohibits batteries from being disposed in a landfill facility or incinerated, effective January 1, 1993.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Bond moved to remove **HB 1376** relative to public water rights report and advisory committee from the Table.

Adopted.

Committee report Ought to Pass with Amendment.

SENATOR BOND: I moved that this bill be tabled before because the committee amendment did not accomplish what the real objective of this bill was. So, once again, I am going to ask that you vote against the committee amendment. I am going to have a floor amendment which I will address.

Committee amendment failed.

Senator Bond offered a floor amendment.

SENATOR BOND: In August of 1989, the Attorney General's Office rendered a decision concerning the public trust and the waters of great ponds and rivers of the State. This has caused some concern as to the real implication of that finding. As a result, the House has passed a bill which I believe that we should support which establishes a study committee to undertake to look at the ramifications of the Attorney General's opinion, and to actually decide some issues on public water rights. The bill as it came from the House was to have a large study committee which would report on December 1, 1990. It was going to require \$40,000 in support services. Obviously, it was not smart to be asking for \$40,000 for support services, so in our original amendment, we called for a reporting period of December 1, 1991. In fact, that is unrealistic considering the magnitude of the problem. The fact is that we have already dealt with a number of water issues this session, without a comprehensive look at the program. So the amendment that you have in front of you would establish a much smaller committee of legislators, Senators and Representatives, and they will draw upon the private sector whom

we expect will be able to help us with the clerical support necessary, so that by December 1, we can provide a report to the Legislature for the 1991 session.

SENATOR NELSON: Senator Bond, I noticed that there are only 3 members from the Senate and 3 members from the House on this committee. And you want to discuss a subject that is earth shattering around the United States, called public water rights, and especially in New Hampshire. Is it possible to have an expert from this field?

SENATOR BOND: It will be the responsibility of the committee to get those experts and to draw on that information and to come up with some suggested legislation for the next session. The committee, as we had originally looked at, was relatively unwieldy and was going to require considerable expense. We figured this was the more practical way to go about it.

SENATOR NELSON: Let me rephrase my question, because I didn't do a very good job at this late hour. We are talking about public water rights in the State of New Hampshire, and I am not clear why you are not including, why are you just putting three Senators and three Reps on there and then you are going to study it and then come back and let's get these other people on it?

SENATOR BOND: The reason we are using three Reps and three Senators, is we have less extraneous material, fewer agendas and more perspective on the issue and drawing in the various people who are involved from the State and private business to find out what the issues are.

SENATOR NELSON: Senator Bond, we just put eighteen members on an insurance committee. We are studying public rights and we are just inviting people in to testify. Is that correct?

SENATOR BOND: Yes, this is the insurance committees report.

SENATOR MCLANE: Senator Bond, I guess I just want to know as a member of the committee that worked very hard on this bill and had passed it last week, I just want to know where the amendment came from and who is we who decided that this was a better amendment for a committee bill and committee report?

SENATOR BOND: The we is me. The concern was raised that we were bringing in a bill December 1, 1991 was not addressing the problem which was urgent and that there was no funding to support it. The only way to do it was with some legislators to get the information and get the thing focused on a year date so that the next session could deal with it, not two sessions down the pike.

Floor Amendment to HB 1376-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a public water rights report and
legislative study committee.

Amend the bill by replacing all after section 1 with the following:

2 Intent; Report of Study Committee. To properly discharge its duty, the general court finds it desirable to establish a means to discern the extent and content of the public rights; to determine whether a present or proposed private use of a public water body impacts or may impact the public rights; and to establish under what conditions conveyance of some portion of the public rights would serve the public interest. To this end, the public water rights legislative study committee established in section 4 of this act shall report its findings and recommendations to the senate president and the speaker of the house of representatives on or before December 31, 1990. The report shall address the following:

(a) The original circumstances and current status of legislative enactments authorizing water use, including but not limited to the date, purpose, and extent of the original enactment, and the status of current use.

(b) Scientific or other methods that may be used to evaluate, characterize and, where appropriate, qualify the public rights in a given water body.

(c) Procedures and criteria that the general court itself or by delegation might follow to determine the public rights in a given water body; to determine when the public rights are being or may be impacted; and to evaluate the conditions under which conveyance of such rights from the public domain would be in the interest of present and future citizens of the state.

(d) An inventory of water users withdrawing more than 20,000 gallons per day during any week of the year from surface or groundwaters, including the amount of the withdrawal, purpose of the withdrawal, and claimed authority for the withdrawal.

(e) The extent to which groundwater appropriation or use may be impacting or may have the potential to impact the public rights in surface waters.

(f) Procedures for systemically evaluating the sustained yield of the major watersheds of the state.

3 Definitions. In this act:

I. "Legislative study committee" means the public water rights legislative study committee established in section 4 of this act.

II. "Public waters" means great ponds, navigable waterways, and tidal waters of the state.

4 Study Committee Established; Public Water Rights.

I. A legislative study committee is established to study the issues surrounding public water rights in New Hampshire. The committee shall consist of 3 members of the senate appointed by the senate president, or their designees, and 3 house members appointed by the speaker of the house. The chairman and vice-chairman shall be elected by members of the committee.

II. The committee members shall be entitled to legislative mileage while performing duties for the committee.

III. The legislative study committee is hereby authorized to utilize the assistance of the office of the legislative services staff and the office of the legislative budget assistant staff. The legislative study committee may request the senate president and the speaker of the house to jointly assign additional general court staff to assist the committee.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a public water rights legislative study committee. The committee is required to make a report on issues surrounding public water rights to the senate president and the speaker of the house on or before December 31, 1990.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Delahunt moved to remove **HB 1310** allowing group I members to purchase out-of-state service as creditable service in New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system from the table.

Adopted.

Committee recommendation is Ought to Pass with Amendment.

SENATOR DELAHUNTY: The question on HB 1310 one of the key problems the other day was, was it setting precedent. It was determined that it was not setting precedent. Spaulding is coming in under a specialized school section which already contains the Great Bay Association for Retarded Children and the Rockingham School for Special Children. It will not be setting precedent and the committee recommendation is ought to pass.

SENATOR MAGEE: Senator Delahunt, if I believe that part of the committee amendment included a person from the trial lawyers, would I now vote yes?

SENATOR DELAHUNTY: I appreciate your interest but I think you have the wrong bill.

Amendment to HB 1310-FN

Amend the title of the bill by replacing it with the following:

AN ACT

allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, relative to the participation of certain organizations in the New Hampshire retirement system, and relative to the city of Berlin retirement system.

Amend the bill by replacing section 4 with the following:

4 Participation in City of Berlin Retirement System. Amend 1961, 350:1-4 to read as follows:

350:1 City of Berlin. The city of Berlin is hereby empowered to create a retirement system for the **collective bargaining unit** employees[, who are not under any other system of retirement except social security,] of the departments of public works, **water works, and recreation and parks** of said city. Employees of said department [of public works will] **shall** be eligible to become members of an receive the benefits therefrom by complying with the requirements of said system and making such payment to the retirement funds as may be established.

350:2 Retirement System. The mayor and [board of aldermen] **the city council** may create a [public works department] retirement system **for the employees listed in section 1 of this act**. All of the business of said system shall be transacted, all of its funds invested and all of its cash, securities and other property held in trust, for the purposes for which received in the name of said system. The mayor and [board of aldermen, if such a system is created, may elect a board of trustees, the number of and tenure of office to be determined by the mayor and aldermen which board of trustees shall have control of and the duty of administering the affairs of said retirement system.] **the city council are empowered to contract with a pension fund administrator to administer the retirement system in a manner in accordance with prevailing federal and state laws.**

350:3 Powers of the Board of Mayor and [Aldermen] **City Council**. For the purpose of this act, the city may raise and appropriate

money; may accept money or other property to be held in trust and invested and reinvested under the direction of the [board of trustees] **retirement system administrator**, and use the income thereof; may enter into contracts of insurance or annuity with insurance companies [admitted to do business in New Hampshire] to effectuate the purposes of this act and pay the premiums for such contracts from moneys coming into its possession under the terms of this act.

350:4 Amount of Benefit. The amount of benefits to be paid under this retirement system shall be based upon collective bargaining agreements with the retirement system administrator. The administrator shall assess the appropriate contributions to be paid by the employer and the employee, based upon actuarial projections.

5 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill allows every group I member who transferred into the New Hampshire retirement system on or after June 30, 1990, as an active member of another state's retirement system to purchase his out-of-state service as creditable service in the New Hampshire retirement system if the member meets certain requirements.

The bill also permits the Spaulding Youth Center and the Spaulding Youth Center Foundation to participate in the New Hampshire retirement system.

The bill also requires the committee established to study participation by nongovernmental organizations in the New Hampshire retirement system to submit a final report with its recommendations to the governor, the speaker of the house and the senate president no later than January 1, 1990.

The bill also amends the provisions of the city of Berlin retirement system. The collective bargaining unit employees of the water works and recreation and parks departments are made eligible to join the retirement system, and the system is to be administered by a pension fund administrator.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Roberge moved to remove **HB 514** relative to rulemaking authority of the director, division of public health services from the Table.

Adopted.

Committee recommendation is Ought to Pass with Amendment.

SENATOR KING: Just to remind you of the committee amendment on this bill, there was one very simple thing and that is on the first page next to the third line from the bottom where it says \$5000, it was changed to \$500. So, such fines shall not exceed \$200 for a first violation and shall not exceed \$500 for each subsequent offense. That is the committee amendment.

SENATOR ROBERGE: This bill has to do with waxed vegetables and waxed fruits. The bill calls for the fact that if the fruit or vegetables are waxed it must be so noted by some small sign above the display. That is what this says, and we feel that people have a right to know when they are buying produce that has been waxed.

Amendment to HB 514

Amend RSA 146:11, II(e) as inserted by section 1 of the bill by replacing it with the following:

(e) Enforcement procedures and administrative fines for violations of rules concerning additives to fresh produce. Such fines shall not exceed \$200 for a first violation and shall not exceed \$500 for each subsequent offense.

Amendment adopted. Ordered to Third Reading.

ENROLLED BILL REPORT

HB 95, relative to eligibility criteria for AFDC recipients.

HB 1191, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor.

HB 1257, relative to motor vehicle road tolls.

SB 335, relative to the department of libraries, arts, and historical resources.

HB 1029, relative to the sale of venison by licensed propagators.

HB 1110, relative to the election of Sullivan and Belknap County commissioners.

HB 1116, relative to notice of lienholders of termination of tenancy of a manufactured housing owner.

HB 1161, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors.

HB 1240, relative to the purchase and distribution of drugs for the control of infectious diseases.

HB 1261, relative to data collection from ambulatory care facilities.

HB 1299, relative to enhanced sentences for "hate crimes".

Senator Currier for the amendment.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time; and that when we adjourn, we adjourn until Tuesday, April 3, 1990 at 1:00 p.m.

Adopted.

LATE SESSION

RECONSIDERATIONS

Senator Delahunt moved reconsideration of **HB 1301**, creating a committee to study the passenger motor vehicle insurance market in New Hampshire whereby the bill was sent to Third Reading and Final Passage.

Adopted.

Senator Delahunt offered a floor amendment.

SENATOR BARTLETT: The amendment offered by Senator Delahunt is to amend section one of the bill by deleting paragraph 16. Paragraph 16 removes one representative of the New Hampshire Trial Lawyers Association appointed by such organization. Section 16, one representative of the New Hampshire Trial Lawyers Association appointed by such organization. Senator Delahunt's motion is to remove that.

SENATOR KING: Senator Delahunt, can you explain why it is that you want to remove this person?

SENATOR DELAHUNT: Yes, Senator King, the co-sponsor called to my attention today that the committee was very carefully selected and balanced. And the feeling was that the addition of the trial lawyer was one additional lawyer which would throw the balance of the study committee out of proportion. Some people may be looking at the twelve members or the thirteen members of the insurance department that may be on the study committee but there are several technical aspects of the insurance department that have to be addressed and each of these would be a specialist in his own field. That is why that obtained the balance.

SENATOR KING: All I want to say is that perhaps this was a very carefully selected committee and we shouldn't have a representative of the New Hampshire Trial Lawyers Association on here. But, as I look down at the various members on the committee, the word insurance appears an awful lot of times next to the name of a person on the committee. And, it doesn't seem to me that it is at all unreasonable to have a member of the Trial Lawyers Association included in the committee. So I would urge the members of the Senate not to concur with the amendment.

SENATOR MAGEE: Senator Delahunty, I apologize for asking that question on the wrong bill. I'll repeat it, the trial lawyer situation, that was my concern. I apologize for jumping ahead of the schedule here.

SENATOR DELAHUNTY: Senator King, as I mentioned the insurance industry is a specialist industry with several specialized fields, hence the need for the numerous memberships on the committee. They are specialists in their own technology, in their own field, so they wouldn't represent the industry as a whole but their specialized area that they represent.

SENATOR DUPONT: I wish to speak briefly, because I originally raised this issue with Senator Delahunty that I too was concerned about the careful balance that was established by this committee. I raised the point, and I'll raise the point again today, that there is a member of the New Hampshire Bar Association on this committee. All they have to do is appoint a trial lawyer. It seems awful simple to me, but maybe I'm missing something. But that gives the trial lawyers the representation that they are looking for. Because, as we all know, in order to be an attorney in New Hampshire you have to be a member of the Bar. So I assume that if he is a practicing trial attorney, he will also be a member of the bar. So I wholeheartedly support Senator Delahunty's efforts to restore that careful balance in this legislation.

Floor amendment failed.

Adopted. Ordered to Third Reading.

RECONSIDERATION

Senator King moved reconsideration of **HB 1120**, relative to notice of insurance cancellation and a state sponsored credit card whereby the bill was sent to Third Reading and Final Passage.

Adopted.

Senator Kind offered a floor amendment.

SENATOR KING: Yesterday, when we added the credit card bill onto this bill, I made a commitment to my friend Senator Delahunty that if it was going to jeopardize his bill in any way that I would be sure to bring it back and remove the credit card bill from the other bill. As it turns out, yes indeed it does endanger Senator Delahunty's bill and so I am asking the Senate to adopt the floor amendment which removes the credit card language from the bill and then we will send it back over to the House as it came out of Senator Delahunty's committee. I apologize to the members of the Senate for this and I beg your indulgence and hope that maybe I can count on it again.

Floor Amendment to HB 1120

Amend the title of the bill by replacing it with the following:

AN ACT

relative to notice of insurance cancellation.

Amend the bill by replacing all after section 4 with the following:
5 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires insurers issuing accident and sickness policies or contracts under RSA 415, to give the insured 30 days' notice prior to non-renewal, cancellation, or renewal.

This bill requires group hospital, surgical, medical insurance plans and health maintenance organizations to notify group policyholders 45 days prior to cancelling a group policy and to provide notice of the right to continue coverage.

Amendment adopted. Ordered to Third Reading.

RECONSIDERATION

Senator Freese moved reconsideration on **HB 1375** relative to impact fee legislation

Failed.

RECONSIDERATION

Senator Bass moved reconsideration on **HB 1424** regulating abortions.

Failed.

Third Reading and Final Passage

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement.

HB 1432-FN, relative to the New Hampshire rivers management and protection program.

HB 1062, relative to record books kept by the registers of deeds and relative to the relinquishment of any rights of the state in certain real property owned by Winconia, Incorporated in Laconia, New Hampshire.

HB 1073, relative to sales representatives' contracts.

HB 1285, relative to agricultural labor and unemployment compensation.

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor.

HB 1103-FN, relative to the regional fuel tax agreement.

HB 1143, relative to registration and operation of OHRVs.

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel.

HB 1415, relative to OHRV safety and training.

HB 1424-FN, regulating abortions.

HB 1025, relative to limited liability for volunteers.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians.

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

HB 1157-FN, relative to capital murder.

HB 1216-FN, relative to depositions and video tape testimony.

HB 1234-FN, relative to guardian's authority to admit to institutions.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

HB 1384, relative to use of genetic test results as evidence in paternity proceedings.

HB 670-FN, relative to public accommodation of physically handicapped persons.

HB 685, relative to restriction in occupancy.

HB 1046, relative to agricultural and forestry activities and planning and zoning powers.

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same.

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.

HB 1370, relative to a statement of consideration and other matters concerning the transfer of real estate.

HB 1419, relative to the Monadnock Advisory Commission.

HB 1117, relative to children attending camp facilities.

HB 1118, relative to the disabled.

HB 1174-FN, relative to laws regarding children and minors.

HCR 11, relative to rural hospitals.

HCR 12, relative to the AIDS virus.

HCR 18, urging a statewide conference on families.

HB 1193-FN, relative to wage withholding.

SR 5, to make New Hampshire a safer, more supportive environment for mothers, fathers, and children.

HB 1438, relative to goals and objectives for reduction of solid waste.

HB 1376, relative to a public water rights report and legislative study committee.

HB 1310, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, relative to the participation of certain organizations in the New Hampshire retirement system, and relative to the city of Berlin retirement system.

HB 1301, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

HB 1120, relative to notice of insurance cancellation.

HB 514, relative to rulemaking authority of the director, division of public health services.

Senator Dupont moved to adjourn.

Adopted.

Adjournment

April 3, 1990

The Senate met at 1:00 p.m.

Senator Johnson in the Chair.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray, Lord, who knoweth our necessities before we ask and our ignorance in asking, grant us through Thy Spirit to do those things which are right - not those which may be harmful for ourselves as well as others. Bless us, Lord, for thy mercy is great.

Amen

Senator Bass led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 390-FN-A, relative to the New Hampshire retirement system investment practices.

HB 1013, reviving the charters of the New Hampshire Karting Association and Loctite Luminescent Systems, Inc. and relative to powers of the New Hampshire Historical Society.

HB 1069-FN, relative to the dig-safe law.

HB 1096-FN, establishing a committee to study the feasibility of developing a statewide trauma care system.

HB 1169-FN, establishing a committee to study drug and alcohol testing in the workplace.

HB 1218-FN, relative to defense and indemnification of bail commissioners.

HB 1054, relative to memorials for veterans and relative to the real estate exemption for surviving spouses of veterans.

HB 1258-FN, establishing a New Hampshire clean lakes program.

HB 1259-FN, relative to the unclaimed and abandoned property act.

RESOLUTION

Senator Bartlett offered a Resolution honoring The Pinkerton Academy Boys Basketball Team, State Champions 1989-1990.

RECONSIDERATION

Senator Bartlett moved reconsideration on **HB 1331-FN-A**, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor whereby the bill was ordered to Third Reading.

Adopted.

The Chair ordered **HB 1331-FN** to Finance under Rule 24.

COMMITTEE REPORTS

HB 725-FN, relative to the highway fund.

Inexpedient To Legislate. Senator Krasker for the committee.

SENATOR KRASKER: HB 725 would provide that all motor carrier registration fees and fees collected for vanity plates which are not used for driver education, would be deposited in the highway fund. The committee certainly was sympathetic to the intent of this legislation, but because we are unable at this time to determine the status of the general fund and this will certainly mean a loss of four million dollars in the first year to the general fund, the committee feels that this is not the time to address this bill and certainly it can be re-introduced and better addressed in the next session.

Adopted.

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements.

Ought To Pass With Amendment. Senator Torr for the committee.

SENATOR TORR: The amendment on page 4 is the bill in its entirety at present. What it is does gives the Gunstock recreation area the ability to bond one time operating costs through December 31, 1990, and from then on that will not be permitted. So it gives them the ability to borrow money for capital improvements only for the life of those capital improvements.

SENATOR KING: I going to support this bill, but I want everybody to understand what this is all about, so we do not have to go through this again. The Gunstock commission came to the Senate and asked for permission to bond for operating costs. Now that is not a wise thing for us to be doing. However, if we choose not to, the result would have been that this would immediately go on the tax rate, the county tax rate for Belknap County, and they would have been hit with a very large county tax bill. So in a sense we have to hold our noses and do this, but I think it needs to be made clear to the members of the Gunstock commission that this is not an acceptable way to run a ski area and if they can not run a ski area without having to bond their operating capital costs, then they should then turn it over to the private sector where they might be able to run it on a profit.

SENATOR TORR: Senator King, don't you feel it is incumbent upon the county delegations to carry this message back to the Gunstock commission very loud and clear this is the only time? We really had a reluctance to pass the bill as it was.

SENATOR KING: Senator Torr, I know that your committee labored hard over this trying to decide how it would be done. I felt that it was important, as one person who represents some towns in the Belknap County, that the Senate go on record and I go on record saying this was not acceptable way on how to do things and we were only doing to prevent the property tax payers being hit with another bill that they can hardly afford to pay already.

Amendment to HB 1078

Amend the bill by replacing section 1 with the following:

1 Gunstock Area; Borrowed Funds Used for Capitol Improvements. Amend 1959, 399:15 as amended by 1989, 4:1 to read as follows:

399:15 Bonds or Notes Authorized. The county treasurer is hereby authorized upon a vote of the commission, previously authorized by the county convention, with at least 4 members of the commission voting in favor, to borrow money for the purpose of carrying into effect the provisions of this chapter; and to borrow money in anticipation of revenues for a term of years determined and authorized by the county convention, issuing serial notes or bonds therefor, said bonds to be payable out of revenues received from the operation of the area. **Such borrowed money may be used for any purpose for which the commission is authorized to expend money.** The maturity dates of such bonds or notes shall be determined by the county convention[.]. **When borrowed money is used for capital improvements, the maturity dates of the bonds or notes issued shall be** based upon the probable useful life of [any] **such** capital improvements [to be financed by such notes or bonds, the period to be determined by the commission], but in no event [to] **shall any maturity date** exceed 20 years from the date of issue. All such bonds or notes shall contain an express guaranty that fees, fares and tolls will be collected in accordance with the provisions hereof, until the date of maturity of said bonds or notes or renewals thereof, and until sufficient money shall have accumulated to pay the principal of said notes or bonds and the interest thereon at the date of maturity. Such notes or bonds shall be in such form and such denominations as the commission shall determine, subject to the authority of the county convention to determine the term of years for the notes or bonds, and shall be signed by a majority of the commission and countersigned by the county treasurer: Provided, however; that the county convention shall, by 2/3 vote of those members present and voting, approve the issue of serial notes and bonds prior to the issue thereof, and such serial notes or bonds shall be considered to be a pledge of the full faith and credit of the county of Belknap. All bonds and notes,

and the interest thereon issued by the commission hereunder shall be exempt from taxation. **Any borrowings under the provisions of this section authorizing the issuance of bonds and notes to cover operating expenses or losses shall be limited to a one-time issuance of such bonds and notes; the authorization by the county convention for which shall occur on or before December 31, 1990.**

AMENDED ANALYSIS

This bill provides that when borrowed money is used by the Gunstock Area commission for capital improvements, the maturity date of the bonds or notes issued shall be based upon the probable useful life of the capital improvements, but no maturity date shall exceed 20 years. Borrowed money may be used for any purpose for which the commission of the Gunstock Area may expend money.

The bill also provides that all bonds and notes which are issued by the commission on or before December 31, 1990, to cover operating expenses or losses shall be limited to a one-time authorization by the county convention on or before December 31, 1990.

Amendment adopted. Ordered to Third Reading.

HB 1102-FN, relative to Route 16 in Conway.

Ought To Pass With Amendment. Senator Torr for the committee.

SENATOR TORR: The amendment is found on page 5. The amendment is basically technical. It was requested by the Department of Transportation. The bill, in essence, is something that has been worked out with the community, Department of Transportation. It's been ongoing for some period of time and there is a general consensus this is the way to move forward. It also puts Route 16 in the town of Conway on the ten year highway plan. It puts, as a priority, part of a 3 point plan whereby the bypass is considered. Also Route 16 is upgraded and the intersecting roads leading to Route 16 will also be worked on and studied by the Department of Transportation in conjunction with the town of Conway.

Amendment to HB 1102-FN

Amend section 1 of the bill by replacing it with the following:

1 Route 16 in Conway. Amend 1986, 203:4, I(d) by inserting after subparagraph (5) the following new subparagraph:

(6) Conway - Reconstruction of Route 16 to relieve traffic congestion between Route 112 to the Conway-Bartlett town line in the town of Conway.

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

I. The commissioner of the department of transportation shall give priority to the design, layout and right-of-way acquisition of the project in section 1 of this act. Funding shall be reallocated from 1986, 203:4, I(d)(2) for this purpose.

Amendment adopted. Ordered to Third Reading.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza.

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: The entire bill, as you see, has been replaced by the amendment on page 5. The bill now reads that we are to borrow 9.4 million dollars to design and to construct an office building for various state agencies in the city of Concord. It would house Agriculture Services, the Office of State Planning, Environmental Services and others. The rents that we are now paying would far exceed the cost of amortizing this bonding indebtedness.

Amendment to HB 1181-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to design and construction of a general office
building and making an appropriation therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation. The sum of \$9,400,000 for the biennium ending June 30, 1991, is appropriated to the department of administrative services for the purpose of designing and constructing a new general office building on Hazen Drive in Concord, New Hampshire. This design shall incorporate a design document already prepared for the department of education building. The new design shall meet current applicable building codes and include expansion capabilities.

2 Bonds. To provide funds for the appropriation in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$9,400,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payment. The payment of principal and interest on the bonds and notes issued for the project in section 1 of this act shall be made when due from the general fund.

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides for the design and construction of a general office building on Hazen Drive in the city of Concord.

An appropriation is to be bonded.

Amendment adopted. Ordered to Third Reading.

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles.

Ought To Pass. Senator Roberge for the committee.

SENATOR ROBERGE: This is really a housekeeping bill. We are hearing that in our vacation areas, people are cleaning out their condominiums and bringing their trash and putting them in the receptacles in state parks and other facilities, cans on the side of the highways. There is no way that we can enforce this situation so we would like to pass this bill. Here after it would be a misdemeanor for people to do those kinds of things.

SENATOR KING: Senator Roberge, how are you going to make a determination about who has just stayed at one of the local state parks and put their trash in a receptacle or someone who has just come from a condominium and put their trash. Are we going to go through the trash to determine if they were camping or not.

SENATOR ROBERGE: Actually, if someone was to catch them in the process of doing this then we would have the ability to enforce the law. That is all. We are not going to plant police beside every trash receptacle in the state.

SENATOR KING: Senator, how are you going to determine as the individual walks from an automobile to the trash receptacle whether they have been camping at one of the local state parks or a condominium?

SENATOR ROBERGE: Well we are hearing it is quite a bit of trash. It's not just a small amount, as if someone had a meal. We are talking about a week's trash like big bags and nobody generates a big bag of trash in an hour or two.

SENATOR KING: Thank you.

Adopted. Ordered to Third Reading.

HB 1343-FN, establishing a study committee on private contract prison systems.

Inexpedient To Legislate. Senator Torr for the committee.

SENATOR TORR: HB 1343 calls for a study committee of privatization for our prison systems and testimony indicated to us this issue has been studied. Therefore, there is no need at this point in time to have another study. Also, there was a strong indication there is no cost saving by going to privatization, therefore the committee recommends Inexpedient to Legislate

Senator Podles moved to substitute Ought to Pass for the Inexpedient to Legislate.

SENATOR PODLES: I rise to make a motion of ought to pass on HB 1343. We have prison overcrowding and high costs, and the answer could be privatization. By using the private sector to build or manage prisons, many believe we could reduce the cost. So far the state correction agencies have used the private sector only to manage minimum non-secure and non-security community correction centers, like for juveniles and also the half-way houses. The study will tell us if we should go beyond this. Other states have done this. It is cost efficient and it is also cost effective. I would urge to overturn this and have it ought to pass.

SENATOR BASS: I rise in support of the pending motion. In all deference to the Senator from Dover, he mentioned that the issue has already been studied in New Hampshire, and I have not seen any of the studies nor have I read any of the conclusions. He also mentioned that the privatization of the prison system would not save any money. Well, how are we going to know if we are not going to save any money if we never have the study. I think these are the questions that may be brought forth not only with the potential to run our own prison system more efficiently, but if privatization is going to be less expensive, to provide more workable facilities that has been the case in other States in the country, I think we should consider moving ahead with this proposal. I urge the Senate to support the Podles substitute motion of ought to pass.

Question on the Substitute Motion of Ought to Pass.

Senator Blaisdell requested a Division Vote.

8 Yeas

9 Nays

Substitute Motion failed.

Senator Blaisdell moved to have **HB 1343-FN** Laid on the Table.

Adopted.

HB 1364, relative to energy conservation standards in new building construction.

Ought To Pass. Senator Krasker for the committee.

SENATOR KRASKER: HB 1364 makes changes to the chapter used to assess energy conservation measures in new building construction. It really is a housekeeping measure to make 155d clear. The historic buildings have been exempted from this bill. There was no opposition, the Home Builders Assoc., the contractors all supported as did the PUC. So the committee urges ought to pass.

SENATOR KING: Senator Krasker, is it my understanding that this will apply to all new buildings in the State.

SENATOR KRASKER: To new construction. It's all new buildings and additions to existing buildings but this is already in the statute. The only change there is the inclusion of the word code.

SENATOR KING: That's the only thing that needs to be changed is the word code?

SENATOR KRASKER: If you look at the bill, it says model code for energy conservation and new buildings construction. That has been eliminated and just says code. It has not changed policy.

SENATOR KING: So the policy is unless these are adopted by a community not enforceable otherwise. Is that correct?

SENATOR KRASKER: The standards that existed before this passes are still the same.

SENATOR KING: Thank you.

Adopted. Ordered to Third Reading.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

Ought To Pass With Amendment. Senator Torr for the committee.

SENATOR TORR: The amendment is found on page 5, and what it does, in the original bill, the registrar of deeds was not required to pay rent, what the amendment does is require the registrar of deeds to pay rent. The thrust of the bill is the fact of buying a Coos county courthouse for one dollar.

Amendment to HB 1371-FN-A

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Administrative Services. The sum of \$1 is hereby appropriated for the fiscal year ending June 30, 1991, to the department of administrative services for the purchase of the Coos county courthouse on July 1, 1990. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The state shall maintain the facility and shall lease space in the building to all county offices presently in the building, with the exception of the county extension service. The state shall provide adequate vault and storage space within the courthouse. If at any time after the purchase takes effect, the state constructs a new Coos county courthouse facility, ownership of the current Coos county courthouse building shall revert to the county.

Amendment adopted. Ordered to Third Reading.

Recess.

Out of Recess.

Senator Bartlett in the Chair:

HB 393-FN, requiring the state of New Hampshire to make timely payments on its contracts.

Inexpedient To Legislate. Senator Torr for the committee.

SENATOR TORR: HB 393 was a major try to reassure that contracts would be paid on a timely manner. It was felt by the committee that the State does pay their contracts in a timely manner, therefore there is no need for this bill.

Senator King moved to substitute Ought to Pass for Inexpedient to Legislate.

SENATOR KING: It seems a rather innocuous bill to say that the State should be willing to pay its bills on time and, for that reason alone, it would make sense to me that we would pass this bill. But then to say we do pay our bills in a timely fashion I think is misleading to the public. Let me just tell you a couple of quick stories. Last fall, a young family went into Ames in Concord to buy some winter clothes for their foster children. They got what they needed and went up to the cash register and as they were going through the cash register, the woman presented vouchers from the State of New Hampshire for clothes for these foster children. They were told that the State of New Hampshire did not pay its bills on time, therefore they would not honor those vouchers. This is not a unique situation.

Let me read to you one or two letters that we received from individuals. This is a letter from a individual that owns a small court reporting firm. She said, "the oldest outstanding bill I have from the State right now is three days from being one year old. That certainly is not a prompt payment in my opinion. This has been a chronic problem for the nine years I have been in the business. Last year, I had to remortgage my house to get me through a several month period of time, when the State did not pay me at all. They owed me approximately \$50,000, when they started finally paying the bills." This is not an unusual situation. I am not making a statement on how many people are owed money that they are not being paid whether or not it should be done. All I am saying that it makes sense that we hold the State of New Hampshire to the same kind of standards that we hold ourselves to individually and we hold the others to in the private sector. The State of New Hampshire should not be able to be put off paying bills, in order to make the budget look balanced the bills are paid on time and we are balanced indeed. In terms of our budget, there should be no difficulty making sure that happens in a prompt way.

SENATOR CURRIER: Senator King, is this a universal problem with every department?

SENATOR KING: I honestly don't know. I think that this bill merely makes a policy statement that we will pay the bills within 30 days of receiving an invoice from a biller.

SENATOR DUPONT: Senator King, I just want to ask you to clarify something for me. You spoke of an incident of a person who, I believe, did some work for the State as a vendor; are you aware of what funds those monies would come out of? Are those general funds monies? Would they come out of appropriations? I am sure they are general fund money, but are you aware what appropriations those monies would come out of?

SENATOR KING: It is my understanding this individual does work for several different agencies, including the indigent defense fund.

SENATOR DUPONT: Thank you, Senator; are you also aware that there has been a certain amount of controversy about the amount of money that ought to be in the indigent defense and that might have something to do with the late payment rather than the fact the state is not paying on time.

SENATOR KING: Senator Dupont, I am aware of the problems that have occurred with the indigent defense fund and I would like to bring to your attention that we have heard of literally of tens of agencies, non-profit agencies all over the State of New Hampshire

that are not receiving their dollars on a timely basis, when they bill the State of New Hampshire that has nothing to do with the indigent defense fund.

SENATOR DUPONT: Thank you

SENATOR BLAISDELL: I rise in support of the committee report of Senator Torr of Inexpedient to Legislate. I sat through the whole hearing. I think there were three or four people that came in that had some problems. We had the executive branches of government there. We had people from Revenue Administration. We had people from all branches of the government. We talked to Mr. Hill, when he was in our committee and just a couple of things that fell through the cracks and certainly we can take care of that by not legislating it, by just having it directed. We do not have to put this on the books. I think this unnecessary.

SENATOR DUPONT: I rise in support of this committee report and I would like to point out to the Senate that I have on a number of times gotten involved when constituents of mine have had problems with the State. Once you get involved in the process you begin to understand how complex it is. It is not just a case where somebody is handing over a bill to a state agency and that agency is handing over a check. And I will agree with Senator King that in a few cases, not a majority of the cases, the State has acted irresponsibly, has not dealt with payment in a timely manner. However, most of those can be dealt with administratively, and I have made it a point, when I have had someone call me about why they have not been paid, to sit down with the agency and sit down with Administrative Services to find out what we can do so that it does not happen in the future. When you go out there and try to take a look at why somebody is not paid, it is a paper trail that is probably unlike any you have seen before. That is for the purpose of protecting the State's interest. While that is no excuse for why bills are not being paid promptly, I think we would be better, our direction today should be to take those agencies that don't comply, and most agencies do, Senator King, I think we do have a good track record with majority of the agencies and state government but I think we would be better directed today if we put our efforts in taking those agencies that aren't paying within 30 days and working internally with them. It is amazing how many times you get a response back with the bill sitting on somebody's desk. I think that is where the problem lies and in light of everything the State is going through at this time, I am not so sure this is a timely, appropriate step to take today.

Senator King requested a Division vote.

7 Yeas

13 Nays

Motion Failed.

Senators King and Disnard wished to be recorded in favor of the Ought to Pass motion.

Question of Inexpedient to Legislate.

Adopted.

HB 519-FN, relative to minimum standards for modular buildings.

Ought To Pass. Senator Hough for the committee.

SENATOR HOUGH: The committee on finance looked at this bill in relation to its fiscal impact and has determined that the cause for establishing the policy as recommended by the policy committee will be offset by fees and recommend its passage

Adopted. Ordered to Third Reading.

HB 1082-FN-A, making an appropriation to the Wallop-Breaux fund.

Ought To Pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: Wallop-Breaux is more commonly know as Johnson Dingle. It comes out of the federal government. These are federal funds that comes into the State. The fish and game will expend around 65,000 dollars of fish and game funds and match the federal money that comes in. It has nothing to do with the general fund.

Adopted. Ordered to Third Reading.

HB 1039-FN-A, relative to a bingo fee.

Ought To Pass. Senator Torr for the committee.

SENATOR TORR: HB 1039-FN-A increases the tax collected from participants of bingo from 5 percent to 7 percent. This is in the same condition as it was when it left Ways and Means.

Senator Stephen offered a floor amendment.

SENATOR STEPHEN: Today I am offering the State Senate an opportunity to change its priority by raising the funds that are necessary for these programs. A few weeks ago, Senate President Bartlett warned us that we must be prepared to vote for higher taxes to finance the programs that were important to the State. That is exactly what I am proposing today. I am asking the Senate to recog-

nize the new financial reality at the Rockingham Park, since Suffolk Downs closed leaving Rockingham as the only track in New England. The handle has increased approximately 47 percent. With this proposal, I am asking the Senate to return the tax rate on bets placed on Rockingham Park to 1/2 the rate charged in 1980. If this proposal passes the Senate would realize about 4.5 million dollars annually in additional revenues. My proposal does not add to the average person tax bill, as we been taxing the folks in the State. My proposal does not affect the dollar return to the average bettor. And my proposal does not attempt to balance this budget on the backs of the neediest. The State's revenue, as we know today, is proposed to be 10.3 million down from project from last year. This is not a tax increase, we're asking for a tax break and I hope you will go along with my proposal.

SENATOR PRESTON: I commend you for your tenacity. I know that you are doing what you really believe in. But I thought, if we violated an agreement that was made by statutes several years ago, there could be law suits. The State could be sued for having failed to live up to a contract, in essence, that we signed. And I would like you or someone else in the chamber today to explain it to me.

SENATOR STEPHEN: Senator Preston, I have heard that often and we have heard that out in the corridors. We have had a committee hearing on this. We have been threatened by law suits but nothing has come forward. Even in the committee, no one proposed any law suits. We have written this tax break twice, as you know, to give the Rockingham folks the tax break when it was needed. Today, with the closure of Suffolk Down, the revenues are up 47 percent, and my figures are from the Director of the State Racing Commission. With the weekend total now averaging over million dollars on a weekend, that is my reasoning for coming in here and getting half of what we were getting in 1980. And I think the issue, Senator Preston, is fairness for the State of New Hampshire, especially, when the folks need the dollars now, and we have cut every social program and we cut every program. We are struggling to find 126,000, I believe, for meals on wheels. This one good instance to bring in some dollars.

SENATOR BLAISDELL: Just a couple of brief questions Senator, I am not going to belabor you with this because you know how I feel on this. In the agreement that was made between when Rockingham Park bought the track and the State break was given to them, the fifteen year bonding issue. Was that involved at all, in how they got the money to buy that track because the State had given them 15 years of bonding?

SENATOR STEPHEN: I agree the State has given their word on 15 years bonding. But also if you remember, Senator Blaisdell, the track did come back for a tax break when they needed it. This body here, in this legislature, helped the track, but I don't see them helping any private industry or private businesses out there.

SENATOR BLAISDELL: Second question, in the budget adjustment act we just passed a few weeks ago, did we include revenue projections of a million point two, up in revenue from Rockingham Park?

SENATOR STEPHEN: Yes, we did. This is another subject, Senator, if they are making money, why shouldn't they be paying more?

SENATOR BLAISDELL: Senator Stephen, I don't think you heard me. Did we in the budget adjustment act raise their revenue projections because of the good fortune that we have right now that Suffolk is closed down of 1.2 million? Did we get that?

SENATOR STEPHEN: Yes, but that has nothing to do with the increase of the percentage.

SENATOR DELAHUNTY: I would like to recognize and applaud my friend and fellow colleague, Senator Stephen for his sincere efforts to help relieve the State's fiscal problems but with his amendment I rise in opposition. After the track burned down, and the then ownership decided not to rebuild, that ownership and the State went together in search for a new owner. Responsible parties were hard to find. The figures didn't work and after many months of negotiating with various groups the State worked out an agreement with Rockingham Venture to purchase the park. The Legislature participated and entered an agreement of a new tax structure to help the track survive in it's competitive fight with Suffolk Downs and to help make a viable deal so that they could obtain bonding. I agree with Senator Preston, and I question the legality of Senator Stephen's proposal. During the early years, the track lost considerable monies competing with Suffolk Downs. This was verified recently by the LBA audit staff that came in and reviewed the books for the purposes of the Ways and Means Committee when they applied for more relief which was needed before Suffolk Downs closed down this past session. The audit staff verified the fact, after reviewing three sets of books, that the track was, in fact, loosing considerable monies and had done so ever since it had been operational. The problem was that the projected figures were mistaken and it was costing more to attract good horsemen and good horses to the track, so that they could, in turn, attract crowds and attract the patrons that were

needed to support the track. They had to increase the purse funds, and none of this money went to the track. They were unable to get that and this money came out of the track operational fund, and themselves personally. Number two, the State is also at present receiving increased funds, and increased revenues through the tax structure and the parimutuel structure, which Senator Blaisdell referred to. But in addition to that, increased revenues that weren't projected in the gasoline tax, the rooms and meals tax, the additional business profits tax and the sin taxes and the various other taxes that the increased patronage will bring to the State. Those figures, thus far, are unaccounted for, but I can tell you they are considerable. And being in business in the community, I understand the impact that the additional business has. The track needs to make multi-million dollar improvements to accommodate the increased traffic. The first improvements are underway now and they are helping them to accommodate the increased crowds by covering the grandstand, putting in additional parking, maintenance and ground repair; and then they are going to go into the back stretch, and hopefully improve the stables and barn areas which are sorely in need of improvement. They couldn't afford these before. Any business is entitled to make a profit. These people entered into an agreement and took a loss and survived. I see nothing wrong with the track recouping its losses and perhaps breaking even or making some money, this year or any other year. That was the agreement that the State entered into. It is like any other contract that you sign, you live or die with it. I see nothing wrong, also, with the State going in next year and getting together with the track administration to try and work out something other than the amendment proposed by Senator Stephen, to try to increase funds and increase revenues to the State when in need. That can be done through increased revenue from fees from parking or concession or something that a combined study group or committee gets together and decides would be workable for both the State and the track. I urge you to vote against the amendment. Thank you.

SENATOR STEPHEN: Listening to Senator Delahunty, I commend you for doing some research, Senator; but nevertheless, you mention figures. Are we going to go by two sets of figures, figures that are from the lobbyists and figures that are from the Director of race track? Those are the figures that I am going by. Number two, you mentioned that the Rock was in dire need at the time, we did help them. All I am saying is that this is an issue of fairness, where the State needs a lot of dollars and we are backed up on revenues, and we are in the red. If we can help some of these state employees that are out of work, this is a way to help folks, put them back to

work, help some of the social programs and help the State. It is not going to solve it all, but you are looking at 4.5 million annually, and I can't see, I can't understand why nobody looks at this. It is just beyond me.

SENATOR DELAHUNTY: Senator, you make reference to my specific figures. I do not hear any coming from you and I can tell if you were a member of that committee and the LBA staff did say to you "verify the fact that over past few years the track has been running, since the fire, they have lost sufficient dollars". Do you agree?

SENATOR STEPHEN: Yes, but I am going on Director of race track figures. Which figures are you going by?

SENATOR DELAHUNTY: The track lost considerable monies. It has been verified in the books. We are talking about the books that are public record. We required three sets of books. We asked, your committee asked the track to bring in and they were verified, so there is nothing hidden. The figures you may be talking about, I assume, are since January. There is nothing wrong with the fact that because of a shut down in a competitive industry or with the competitor, their business has increased substantially. Everybody agrees with that. They have to cope with this but in addition they have the right to recoup their losses that have occurred in the previous years.

SENATOR STEPHEN: Which figure would you say you are going by, the lobbyist figures or the state racing directors figures? That's what I am going by?

SENATOR DELAHUNTY: Senator, I have appeared before the Ways and Means Committee and at that time I was asked to bring the LBA staff which I think is an awfully good source for recommendation and they verified the figures. Those are the figures that I am going by. I never would rely upon a lobbyist figures.

SENATOR STEPHEN: Therefore I am correct, Senator, thank you. Senator Hough moved the question.

Amendment failed.

Adopted. Ordered to Third Reading.

HB 1057-FN-A, relative to a fee for lucky 7 tickets.

Ought To Pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: This bill was passed down to Finance and after looking it over, we, too, missed the boat on one thing. I have a floor amendment being passed out now that I would like to discuss

with you. The intent of this legislation is have the distributor pay the fee instead of the charitable organizations.

Senator Blaisdell offered a floor amendment.

SENATOR BLAISDELL: After further review, this floor amendment is necessary. In the bill, as we see, from Ways and Means, there is an error in section 3. Section three amends section 2 of the same bill and reinstates the old language relative to charitable organizations paying 40% tax to the commission 15 days after the receipt of the ticket. The intent of this legislation is to have the distributor pay. This is what the amendment does and this is what the bill does. It's an excellent piece of legislation. It will raise, from the sweepstakes commission, estimate this will increase revenues in the State by \$168,000 in fiscal year 1990

SENATOR KING: Senator Blaisdell, is this a prompt payment amendment?

SENATOR BLAISDELL: Well, I don't know Senator, after you are here 20 years like me you won't ask that question.

Floor Amendment to HB 1057-FN-A

Amend RSA 287-E:22 as inserted by section 2 of the bill by inserting after paragraph IV the following new paragraph:

V. A licensed distributor shall pay the fees collected pursuant to this section to the commission within 15 days of the distribution of the tickets.

Amend the bill by deleting section 3 of the bill and renumbering section 4 as section 3.

Amendment adopted. Ordered to Third Reading.

HB 1151-FN, requiring certification of wastewater treatment plant operators.

Ought To Pass. Senator Torr for the committee.

SENATOR TORR: HB 1151-FN changes the title of the waste water treatment plant operators from pollution control facilities operators. It also establishes a certification process and a fee for that certification for \$50.00 per operator.

Adopted. Ordered to Third Reading.

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor.

Ought To Pass. Senator Dupont for the committee.

SENATOR DUPONT: HB 1171-FN-A was referred to Senate Finance because of the appropriation. It gives the authority to the Department of Safety to accept funds for the purchase of breathalyzer machines for the next fiscal year.

Adopted. Ordered to Third Reading.

HB 1200-FN, to change the name of the governor's commission for the handicapped.

Ought To Pass. Senator Dupont for the committee.

SENATOR DUPONT: HB 1200-FN changes the name of the Governor's Commission for the handicapped, and other than the cost of printing of new stationary, there is no fiscal impact.

SENATOR HEATH: Senator Dupont, this morning I was over at the Safety Building registering my motorcycle and I noticed from the signs out front there was a bunch of parking spots and they were handicapped parking. Are those going to change?

SENATOR DUPONT: Senator, I do not believe there will be any change in those signs in the immediate future. But I suppose there is a potential at some point in the future when we could be repainting the signs also.

SENATOR HEATH: I understand the reason for this change is the word handicapped is insulting to the people it applies to. Do you see those signs insulting.

SENATOR DUPONT: Senator, I do not have a disability as referred to in this bill at the present time and I guess, as we look at the use of words in our society, perhaps disability is more acceptable today than handicapped is. That is just our recognition of what handicapped means. I don't have a problem and I sure Senate Finance does not have a problem with it.

Adopted. Ordered to Third Reading.

HB 1027-FN, establishing a black bear management program and requiring a special bear license.

Ought To Pass. Senator Hough for the committee.

SENATOR HOUGH: The committee on Finance agrees wholeheartedly with the policy committee relative to black bear management and we would recommend that you approve the committees report of ought to pass.

SENATOR JOHNSON: Senator Bond, does HB 1027-FN, in the bill or in the amendment discriminate against brown bears or polar bears.

SENATOR BOND: No, Senator Johnson, and if you will bear with me, I will enlighten you.

SENATOR DISNARD: You may get tired of my fee speeches. But if a hunter decided to go hunting this fall, now in the evening he has a beer, he is going to pay a beer tax, if he smokes some cigarettes, he has another tax. He is going to have another tax on his gas, he is going to have a tax on his telephone call. He is going to have another tax on his meals and if he has been lucky during the day and shot a poor bear and he is going to play bingo, his costs are going to go up. Have you seen a fishing or hunting license? Just think, when I first came here, I was lucky. You could hunt and pay one fee. Now, if you want to hunt with a bow and arrow, you pay another fee. If you want to hunt with a muzzle loader, you pay another fee. If you want to hunt pheasant, you pay another fee. If you want to hunt ducks, you pay another fee. I could go on and on. When are we going to recognize the fact that we have to have a tax that has the ability to pay without all these different fees.

Senator Bond offered a floor amendment.

SENATOR BOND: My floor amendment, if you're questioning if it is germane, both have "claws." The problem addressed by the amendment was as a result of a recent court case where questions were raised in the case in the court as to whether or not the Director of Fish and Game did, in fact, have the rule making authority on lobsters whether size, number, sex and quantity that may be taken. The word sex did not appear in his rule making authority, so the question here is whether or not we should allow him to consider sex.

SENATOR KRASKER: Coming from the seacoast, I would urge my fellow Senators to support Senator Bond's amendment. This is a lobster management tool, and it is necessary. I urge you to support it.

Floor Amendment to HB 1027-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a black bear management program and requiring
a special bear license and relative to the rules
regarding taking of marine species.

Amend the bill by replacing section 2 with the following:

2 Taking of Marine Species; Rules. Amend RSA 211:62, II(a) to read as follows:

(a) The size, number, **sex**, and quantity that may be taken;

3 Effective Date. This act shall take effect January 1, 1991.

AMENDED ANALYSIS

This bill requires that persons who wish to hunt black bear must have a special bear tag in addition to the regular hunting license. This tag will be issued to attach to the bear carcass.

This bill also establishes a black bear management program.

The bear tag fees are deposited into a fund which will be used exclusively as a supplement for the management, research and protection of black bears.

The bill also states that rules relating to marine species may regulate the sex of marine species which may be taken.

Amendment adopted. Ordered to Third Reading.

HB 1250-FN, relative to employees of the dog and horse racing industry.

Ought To Pass. Senator Delahunty for the committee.

SENATOR BLAISDELL: This was a bill that came out of the Insurance Committee. We reviewed the bill. We agreed with what the Insurance Committee did. I think this is something that we will be looking at in the next session.

SENATOR DELAHUNTY: Senate Finance reviewed this bill and saw no need or reason to change it. We recommend you support the committee report.

Adopted. Ordered to Third Reading.

HB 1291-FN, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor.

Inexpedient To Legislate. Senator Dupont for the committee.

Adopted.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities.

Ought To Pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: This bill establishes a committee to study issues relevant to the acute care personnel problem and long-term health care facilities. There is no fiscal impact except legislature mileage.

Senator McLane moved to have **HB 1332-FN** Laid on the Table.

Adopted.

HB 1386-FN, relative to child support enforcement.

Ought To Pass. Senator Podles for the committee.

SENATOR PODLES: HB 1386-FN makes changes in laws relative to child support and that includes enforcement and the collection of child support orders made in domestic violence. It's a one time appropriation for the cost and modification of forms and program changes. That is only in fiscal 1991. The committee urges ought to pass.

Adopted. Ordered to Third Reading.

HB 1427-FN, relative to the recycling logo.

Ought To Pass. Senator Hough for the committee.

SENATOR HOUGH: The fiscal impact was minimal. The policy committee established that this bill would allow for identifying recyclable materials and the logo was so designated. That is the committee report of Senate Finance. If you have policy questions you could ask the policy committee or I could defer it to former Senator Lesard, who has taken great interest in that and is available.

Adopted. Ordered to Third Reading.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill with amendments, in the passage of which amendments the House of Representatives asks the concurrence of the Senate:

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages.

Senator Freese moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Freese, Disnard, and Delahunty.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents.

Senator Preston moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Preston, Heath and Johnson.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 354-FN, relative to temporary emergency motor vehicle registration.

Senator Preston moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 323-FN, establishing a committee to study the feasibility of a state agency office complex.

Senator Torr moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 388, relative to ski patrol personnel qualifications and licensing.

Senator Freese moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 402-FN-A, reinstating certain positions in the insurance department and making appropriations therefor.

Senator Dupont moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions.

Senator Dupont moved concurrence.

Adopted.

ENROLLED BILL AMENDMENTS

Enrolled Bill Amendment to SB 400-A

Amend the bill by replacing line 7 on page 1 with the following:

New Hampshire is hereby authorized to make available to the department of

Amend the bill by replacing line 11 on page 1 with the following:

funds shall be made by the department of education to the treasurer

Senator Currier for the committee.

Adopted.

ENROLLED BILL REPORTS

HB 1072, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation.

HB 1426, relative to surrogacy.

HB 1003, relative to prima facie speed limits on local roads.

HB 1047, establishing a commission with the state of Maine on Lake Umbagog.

HB 1074, relative to annual audits of consumer cooperative associations.

HB 1081, relative to the membership of the fish and game commission.

HB 1104, relative to the motor vehicle laws.

HB 1137, relative to condominium law.

HB 1163, raising the amount of property damage to be reported in a motor vehicle accident.

HB 1175, establishing a committee to study choice in education.

HB 1196, relative to sand dunes and establishing a study committee relative to wetlands board matters.

HB 1276, relative to sales of motor vehicles.

HB 1324, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin.

HB 1372, relative to interim rules under the administrative procedure act.

HB 1442, relative to gasoline franchise contracts for disposal of used motor oil.

SB 305, to return filing fees paid by candidates for the office of state representative to cities and towns.

SB 345, relative to the New Hampshire Higher Education and Health Facilities Authority.

SB 389, relative to non-privileged communications in marital mediation proceedings.

SB 405, relative to accounting procedures and risk retention of insurance companies.

Adopted.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the

early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, that all titles be the same as adopted and that they be passed at the present time.

Adopted.

LATE SESSION RECONSIDERATION

Senator Stephen moved reconsideration of HB 1151-FN.

Adopted.

Senator Stephen offered a floor amendment.

Floor Amendment to HB 1151-FN

Amend the title of the bill by replacing it with the following:

AN ACT

requiring certification of wastewater treatment plant
operators and reinstating the charter of
Manchester Marine, Inc.

Amend the bill by replacing all after section 7 with the following:

8 Reinstatement of Charter of Manchester Marine, Inc. The charter of Manchester Marine, Inc. of Manchester, New Hampshire, was forfeited on December 1, 1987, under RSA 293-A:95, I(a). Upon payment of any fees in arrears plus a reinstatement fee of \$50 and the filing of any annual returns required by law, Manchester Marine, Inc. shall be reinstated for all purposes as a New Hampshire corporation, and this reinstatement shall be retroactive to December 1, 1987.

9 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a certification system for wastewater treatment plant operators, to be administered by the division of water supply and pollution control.

The bill also reinstates the corporate charter of Manchester Marine, Inc. retroactive to December 1, 1987.

Adopted. Ordered to Third Reading.

Senator Heath wished to be recorded as opposed to the motion.

THIRD READING AND FINAL PASSAGE

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements.

HB 1102-FN, relative to Route 16 in Conway.

HB 1181-FN, relative to design and construction of a general office building and making an appropriation therefor.

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles.

HB 1364, relative to energy conservation standards in new building construction.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

HB 519-FN, relative to minimum standards for modular buildings.

HB 1027-FN, establishing a black bear management program and requiring a special bear license and relative to the rules regarding taking of marine species.

HB 1082-FN-A, making an appropriation to the Wallop-Breaux fund.

HB 1039-FN-A, relative to a bingo fee.

HB 1057-FN-A, relative to a fee for lucky 7 tickets.

HB 1171-FN-A, relative to the purchase of breath analyzer machines and making an appropriation therefor.

HB 1200-FN, to change the name of the governor's commission for the handicapped.

HB 1250-FN, relative to employees of the dog and horse racing industry.

HB 1386-FN, relative to child support enforcement.

HB 1427-FN, relative to the recycling logo.

HB 1151-FN, requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.

RESOLUTION

Senator Dupont moved that when we adjourn, we adjourn until Tuesday, April 10, 1990 at 1:00 p.m..

Adopted.

Senator Dupont moved to adjourn.

Adjournment

April 10, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, we remember Thee this Holy Week - the Passover - the celebration of the escape of the Israelite about 3000 years ago from Egypt. Lord, we mourn for thy arrest, suffering and crucifixion and joy of Thy Resurrection. "If I be lifted up, I will draw all unto Myself." Jesus said, "I am come that ye may have life." The message of Easter is life not death.

Happy Passover, and Easter to you all and your families.

Amen

Acting Senate Clerk Gloria Randlett led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 336, relative to the statute of limitations on prosecutions for bad checks.

SB 383-FN, relative to a vocational center in Claremont.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill and Resolution sent down from the Senate:

SB 358, modifying the subdivision approval process for minor subdivisions.

SCR 1, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 591-FN, requiring grocery stores to mark each packaged item offered for sale with a price.

HB 1424-FN, regulating abortions.

NOTICE OF RECONSIDERATION

Senator Torr served notice of reconsideration on **HB 1102**, relative to Route 16 in Conway.

COMMITTEE REPORTS

HB 424-FN, relative to enhanced family care facilities and making an appropriation therefor.

Inexpedient to Legislate. Senator Hough for the committee.

SENATOR HOUGH: The committee report of inexpedient to legislate on this bill was arrived at after a great deal of soul searching and concern. However, you must realize that the bill as it is structured would commit, if you will for the next biennium in terms of the appropriation, it appropriates no money now. The last time that these folks had an adjustment was in the early 80's and regrettably we have not been able to keep pace. If we were to be honest with ourselves, we would make the adjustment in the present biennium. We do not have the resources to pass legislation, to affect a rate in the next biennium is to invite fiscal problems. Were we in a position to address this at this time, we would have done so. There is no question that this subject will reappear, but it will have to be handled by future legislatures.

Adopted.

HB 705-FN, relative drug-free school zones and making an appropriation therefor.

Ought to Pass with Amendment. Senator Hough for the committee.

SENATOR HOUGH: The committee on Finance agreed with the basis of **HB 705**, establishing a drug-free school zone. We agreed with the policy committee. As the bill came to us, it had a \$2.00 appropriation in the language. The amendment, which the committee adopted, eliminates the \$2.00 appropriation, and inserts language that allows the Department of Education and Safety to accept federal funds, grants and donations for the purposes of this act. The committee amendment also makes a supplemental appropriation of \$27,868.00 to the New England Board of Higher Education. The assessments are our dues and it appropriates \$9,360.00 to the Gover-

nor's Special Initiative's. These areas were eliminated, if you will, in the budget adjustment act. However, the commitment on the special initiatives had already been into the pipeline. And finally, the bill also contains language relative to a fire service fund and specifically, you will find that the additional \$1.00 charge to be collected at the time that the municipal permit fee is paid to town or city clerks on motor vehicles is not a registration fee or a special charge related to the operation of motor vehicles. It is, in fact, a permit fee much like the additional fee for the purposes of a town reclamation trust fund. The proceeds collected from this fee will be used to defray fire service costs, many of which are directly or indirectly related to motor vehicles and the fuels that they use. This fee will be collected at the local level and ultimately be used to assist in the training of local fire fighters, many of whom are volunteers, and more generally to assist the local fire departments in their efforts. This is a result of moving the various fire support services into the Department of Safety and bringing them forward into safety service with the proper training. Hopefully, we will protect a number of lives of volunteers throughout the State of New Hampshire that respond to our families, our property, and our lives in a moment's notice. It is something that is long in coming and supported by the committee on Finance.

SENATOR HEATH: Senator Hough, can you tell me on page 3, paragraph 4, the appropriation for the post-secondary education commission section for the New England Board of Higher Education? Can you tell me one, what the total annual dues are to the New England Board of Higher Education? And, what the total post-secondary assessment is?

SENATOR HOUGH: I certainly can get you that information, but if my memory serves me correctly, I was going to say in the vicinity of \$75,000. Senator Disnard says it is \$68,000. We can certainly get you the answer for that.

SENATOR HEATH: It looks like it is a further assessment by them, as if they ran into financial difficulties. Is that a proper reading then?

SENATOR HOUGH: In answer to your question, Senator Heath, I would defer to the chairman of the Committee on Education.

SENATOR DISNARD: I think it is \$90,000. We were \$26,000 short. What happens is in New England there is a compact, the New England Board of Higher Education. Students that attend the University or a public school outside of their State in New England for a course or a curriculum that is not offered in their State may attend

at the State they are attending for a fee. It is cheaper for our students to attend a school in Massachusetts for one of these courses that we don't offer than attend our own University system. And while we may have approximately 800 students attending such courses in public schools in Massachusetts, they have about 200 coming to our State. So it saves us money. And it is good for our students. It is a good deal.

SENATOR HEATH: If we did away with our university system, would it be a good deal? We could send them all down there because we wouldn't offer any of those courses? Would it be cheaper?

SENATOR DISNARD: It probably would be.

SENATOR HEATH: It might violate the compact.

Amendment to HB 705-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to drug-free school zones, making supplemental appropriations, and establishing a fire service fund.

Amend the bill by replacing all after section 2 with the following:

3 Acceptance of Federal Funds, Grants, and Donations Authorized. The department of education and the department of safety are authorized to accept federal funds and gifts, donations or grants from any source for the purposes of section 1 of this act.

4 Appropriation; Postsecondary Education Commission. In addition to any other sums appropriated, the sum of \$27,868 is appropriated for the fiscal year ending June 30, 1991, to the postsecondary education commission for the purpose of making up a shortfall in the funding for the New England Board of Higher Education annual membership assessment. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Supplemental Appropriation; Special Initiatives Program. In addition to any other sums appropriated, the sum of \$9,360 is appropriated for the fiscal year ending June 30, 1990, to the special initiatives program administered by the department of education for the purpose of reimbursing school districts for special initiatives project expenses already incurred. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 New Subparagraph; Fire Service Fund. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) Moneys received under RSA 21-P:28, II(d) and RSA 261:154-a, which shall be credited to the fire service fund established pursuant to RSA 21-P:31, II.

7 Reference Made. Amend RSA 21-P:28, II(d) to read as follows:

(d) Accept in the name of the state any and all donations, fees for tuition, services and any and all moneys and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of the same subject to budgetary provisions and consistent with the rules of the commission and the purposes or conditions of the donation or grant. The receipt of a donation or grant shall be noted in the annual report of the commission, which shall also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the commission pursuant to this paragraph shall be deposited in the [state treasury to the account of the commission and shall not lapse] **special fund established pursuant to RSA 21-P:31, II**. In addition, the commission may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

8 New Section; Fire Service Fund; Additional Permit Fee. Amend RSA 261 by inserting after section 154 the following new section:

261:154-a Additional Fee for Fire Service Fund. In addition to the municipal registration permit fee required under RSA 261:148, the town or city clerk shall collect a fee of \$1 for each permit issued. All fees collected under this section shall be transferred to the state treasurer and placed in the special fund established under RSA 21-P:31, II.

9 Fire Service Fund Established. RSA 21-P:31 is repealed and reenacted to read as follows:

21-P:31 Funding; Special Fund Established.

I. All sums appropriated by the state for the program established under this subdivision, together with any federal funds received, shall be expended by the department on recommendation from the commission.

II. There is established a special fund to be known as the fire service fund. Such fund shall be nonlapsing. All moneys received under RSA 21-P:28, II(d) and all fees collected under RSA 261:154-a shall be deposited in the fund. Except as provided in paragraph III, moneys from such fund shall be used for the purpose of funding the fire service training and research program established under this subdivision.

III. In the event that the expenditure of additional funds is necessary for the proper functioning of the division of fire service, the

governor and the fiscal committee may, upon request from the commissioner of safety, authorize the transfer of funds from the special fire service fund to the division for such purpose.

10 Effective Date.

I. Section 1 of this act shall take effect January 1, 1991.

II. Sections 6-9 of this act shall take effect July 1, 1990.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill formally establishes drug-free school zones in the state and defines such a zone as an area within 1,000 feet of any property used for school purposes by any school, whether or not owned by such school, and within or immediately adjacent to school buses, in which it is unlawful for any person to manufacture, sell, prescribe, administer, dispense, or possess with intent to sell, dispense, or compound any controlled drug or its analog, at any time of the year.

The bill is based on the drug-free school zone programs currently in effect in New Jersey and Louisiana.

This bill makes an appropriation for the fiscal year ending June 30, 1991, to the postsecondary education commission for the purpose of making up a shortfall in the funding for the New England Board of Higher Education annual membership assessment.

This bill makes a supplemental appropriation for the fiscal year ending June 30, 1990, to the special initiatives program administered by the department of education for the purpose of reimbursing school districts for special initiatives project expenses already incurred.

This bill establishes a special fire service fund for the purpose of funding the fire standards and training commission program. All moneys received by the fire standards and training commission shall be deposited in the fund.

The bill imposes an additional fee of \$1 on those persons obtaining a municipal registration permit fee for their motor vehicles. All such fees are to be deposited in the special fire service fund.

The bill also permits the transfer of funds from the special fund to the budget of the division of fire service, department of safety, under certain circumstances.

Amendment adopted. Ordered to Third Reading.

HB 1114-FN, relative to a study of care of the elderly and making an appropriation for meals on wheels.

Ought to Pass with Amendment. Senator Blaisdell for the committee.

SENATOR BLAISDELL: This is the meals on wheels bill. This amendment does three things. The Senate accepted the House version with \$126,000 for meals on wheels. Senate Finance committee, in its wisdom and at the urging of Senator Podles and others, added \$25,000 to the bill's appropriation to provide for transportation to the meals on wheels program. As you know, the elderly people of the State deliver these meals and this just gives them some gas money to be able to travel around and service these people who are in their homes and want to stay there, by the way, and not be institutionalized. I think this is one of the great programs that we do in the State of New Hampshire - meals on wheels. The second part of the amendment corrects an unintended double elimination from the budget act for Health and Human Services. Chapter 365, as originally enacted, contained language in section 21 requiring the office of commissioner to reduce her budget by \$300,000 in fiscal year 1990. The Governor, in his recommendation to adjust the budget, made the required changes in the class lines in the commissioner's office. Therefore, unless the requirement for a \$300,000 reduction contained in section 21 is repealed, the commissioner's office will be reduced by \$600,000. That was not intended. It would be over \$300,000 more. So, again this is in section 21 and this is what that amendment will do. The third amendment reduces from three years to one year the period for which a restaurant license is to be issued. The reason for that is that some of these restaurants pay for their license for three years, some of them close and they are not able to get their refunds. So, in the wisdom of the Senate Finance committee, we felt that a one year license would be sufficient and that is what that bill does.

SENATOR HEATH: Senator Blaisdell, I have questions on two sections, section 5, the \$300,000 reduction or the \$300,000 return to Health and Human Services office of the commissioner. You said that wasn't intended but prior to that you said it was in the Governor's budget?

SENATOR BLAISDELL: It was in the Governor's budget but it was also done in section 21. It was done in two places. So they were getting \$300,000 each whack and that is not what we intended. We intended just for \$300,000. This amendment will correct that, Senator.

SENATOR HEATH: Second question, is that going to come back to haunt us when we get into further financial troubles?

SENATOR BLAISDELL: No, I don't think it will have any effect at all, Senator. I think it was just a double dip. That was it.

SENATOR HEATH: On section 6, did you have a request from the hospitality association or the people in the industry to insert that?

SENATOR BLAISDELL: Did I have a request? I did not personally.

SENATOR HEATH: Did they come in and support it?

SENATOR BLAISDELL: Yes, they did. It wasn't my request, but I do believe they did support it.

SENATOR HEATH: Would there have been a better way to do this by allowing either a return if you close early or a provisional one year license, either by the choice of the establishment or by the decision of the division in the first year of business.

SENATOR BLAISDELL: It is possible, Senator. But we felt this was the cleanest way to do it. If you have another idea, I would be very glad to accept your amendment.

SENATOR STEPHEN: I would just like to congratulate the Finance Committee on appropriating the \$126,000 for the meals on wheels and also for adding the \$25,000 for transportation. This helps take care of the folks who are unable to care for themselves. Thank you.

SENATOR JOHNSON: Senator Blaisdell, will any people now receiving meals on wheels or let me rephrase the question. Will the people now receiving meals on wheels continue to receive meals on wheels after we pass this amendment?

SENATOR BLAISDELL: Yes, they will. It will not cut out the meals. It might have happened in the budget, but we are going to replace that money. It is not going to hurt anybody, it is going to help them.

Amendment to HB 1114-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a study of care of the elderly and making an appropriation for meals on wheels, relative to the department of health and human services, and relative to certain food service establishments.

Amend the bill by replacing all after section 3 with the following:

4 Appropriation; Department of Health and Human Services. The sum of \$151,450, to be used for the purpose of PAU 05, 01, 06, 03, 01,

class 93, of which \$126,450 shall be used for restoration of meals and \$25,000 shall be for transportation, for the biennium ending June 30, 1991, is hereby appropriated to the division of elderly and adult services, department of health and human services. This appropriation shall be in addition to any other sums appropriated to the division for these purposes and shall be nonlapsing. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Operating Budget; Appropriations Reduction. Amend 1989, 365:21 as amended by 1990, 1:5 to read as follows:

365:21 Appropriations Reduction; Office of the Commissioner, Health and Human Services. The office of the commissioner of health and human services is hereby directed to reduce all of its state general fund appropriations for the financial services unit by [\$300,000 for the fiscal year ending June 30, 1990, and by] \$200,000 for the fiscal year ending June 30, 1991.

6 Length of Time of License Reduced. Amend RSA 143-A:6 to read as follows:

143-A:6 Application; Issue; Fee. Upon receipt of a written application, if the director is satisfied that the information regarding the applicant, his operation, and facilities is sufficient under rules adopted under RSA 143-A:9, he shall issue a license to any food service establishment or retail food store authorizing the applicant to conduct business for [3 years] **one year** or until such time as a new license may be issued. The director shall charge a fee for each license issued.

7 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill requires the state committee on aging to study the issue of care of the elderly. The committee is to submit its report by December 1, 1991, to the governor, the speaker of the house, the president of the senate and the commissioner of health and human services.

The bill adds 3 members to the state committee on aging.

The bill makes an appropriation to the division of elderly and adult services for the purpose of increasing the amount available for meals on wheels.

The bill also reduces the period of time licenses issued for certain food service establishments or retail food stores are valid.

Amendment adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: One of the things that we didn't consider in Senate Finance was the issue of those individuals, or those establishments, that have already applied for their licenses and have licenses that are valid for three years. This amendment grandfathers in those establishments so that they do not find themselves having to apply for a license that they have already paid for.

Floor Amendment to HB 1114-FN-A

Amend the bill by replacing section 7 with the following:

7 Applicability. Licenses issued before the effective date of this act pursuant to RSA 143-A:6 shall remain valid for 3 years from the date of issuance, notwithstanding RSA 143-A:6 as amended by section 6 of this act, or until a new license is issued.

8 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted. Ordered to Third Reading.

HB 1129-FN-A, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor.

Ought to Pass with Amendment. Senator Torr for the committee.

SENATOR TORR: The amendment is found on page 5 and what it does is appropriate \$75,000 to remove a building at the Gilson waste site and the second portion of the amendment is generic enabling legislation governing annexation from one town to another.

SENATOR DISNARD: In the amendment, you use the word respectively. Does that mean both communities must vote? The community that owns the land must vote to give it up, if another community votes to accept it?

SENATOR TORR: That is correct. By majority vote. Both communities.

Amendment to HB 1129-FN-A

Amend the bill by replacing all after section 2 with the following:
3 Appropriation.

I. The sum of \$75,000 is hereby appropriated for the biennium ending June 30, 1991, to the department of environmental services for the purpose of section 1 of this act. These funds are in addition to any other funds appropriated to the department of environmental services. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

II. If the site is sold, the state treasurer shall be reimbursed, from the proceeds, the amount expended from the funds appropriated under this act and such sum shall be deposited in the general fund as unrestricted revenue.

4 New Chapter; Town Annexation Procedure. Amend RSA by inserting after chapter 51 the following new chapter:

CHAPTER 51-A

TOWN ANNEXATION PROCEDURE

51-A:1 Applicability. The provisions of this chapter shall govern the annexation of any portion of one town to another town, provided that the real estate to be annexed is contiguous to the town to which such real estate is to be annexed.

51-A:2 Petition Procedure.

I. If 10 or more legal voters of any town desiring to annex a portion of that town to another town address and deliver a written petition to the selectmen of the town from which the real estate is proposed to be removed, not later than 90 calendar days prior to any annual meeting, such selectmen shall insert in the warrant for the annual meeting an article substantially in the following form:

To see if the Town will vote to authorize the annexation of (here insert description of real estate to be removed) to the Town of (here insert name of Town to which real estate is to be annexed), pursuant to the provisions of RSA 51-A.

II. The petition authorized under paragraph I shall contain the language of the warrant article including the description of the real estate to be removed and the name of the town to which the real estate is to be annexed.

51-A:3 Transmittal of Petition.

I. Upon receipt of any petition delivered pursuant to RSA 51-A:2, the selectmen shall forthwith transmit a copy of the petition to the selectmen of the town to which the real estate is proposed to be annexed. Upon receipt of such copy, the selectmen shall insert in the warrant for the next annual meeting an article substantially in the following form:

To see if the Town will vote to approve the annexation of (here insert description of real estate to be annexed) heretofore situated in the Town of (here insert name of Town from which the real estate is to be removed) pursuant to the provisions of RSA 51-A.

II. The warrant article required by paragraph I, shall include the same description of the real estate contained in the petition.

51-A:4 Annexation Effective. If the warrant articles required by RSA 51-A:2 and RSA 51-A:3 are approved by a majority of the voters present and voting at the respective annual meetings at which

such warrant articles are considered, the annexation shall be effective the first day of the month following the date whereupon the later of the 2 towns approved its respective warrant article. Nothing in this chapter shall be construed to require both towns to vote on both warrant articles.

51-A:5 Real Estate Taxes. In the event that the annexation is approved, the real estate taxes owed to the town from which the real estate was removed shall be pro-rated as of the effective date of the annexation and shall be due and payable on the date that real estate taxes in said town are next due. The town to which the real estate was annexed shall cause such real estate to be appraised for real estate tax purposes within 60 days of the effective date of the annexation, and shall collect real estate taxes in the usual manner from the effective date of the annexation forward.

5 Effective Date. This act shall take effect upon passage.

AMENDED ANALYSIS

This bill makes an appropriation to the department of environmental services for the purposes of cleaning up the Gilson Road waste site. The project shall be conducted by the department of environmental services in cooperation with the department of transportation.

The bill also establishes a town annexation procedure.

Amendment adopted.

SENATOR BOND: I am proposing two floor amendments. Because these two bills were supposed to have been handled in this session, at the request of DES and because they did not get a full hearing in the Senate and are being heard at a very late date, I am proposing that we amend HB 1129 with these two amendments and then place them on the table and hold an informational hearing at 11:00 a.m. on Thursday in the Dev.-Rec. hearing room, Room 212, so that if there are any questions, they can be answered then. I would then propose to remove the bill from the Table on Thursday for further action. The first amendment allows for administrative fines under the section of the solid waste statutes which deal with septage. Presently, the commissioner does not have the ability to administer administrative fines in septage solid waste rule violations. The second amendment has to do with toxic packaging. This is a model legislation that has been adopted by all of the other CONIG states, the nine northeast states, with the exception of New Hampshire. Since we are having a special informational hearing, I will not go into the detail of it now. It essentially deals with heavy metals in packaging and bringing to

bear the pressure of all the northeast states on the packaging industry to control the introduction of cadmium, lead, mercury and other metals into packaging.

Senator Bond moved to have HB 1129-FN-A Laid on the Table.

Adopted.

HB 1348-FN-A, establishing a committee to oversee the preliminary steps in the creation of an access to health care program and making an appropriation therefor.

Ought to Pass. Senator Hough for the committee.

SENATOR HOUGH: The committee on Finance agrees with the policy committee in the passage of HB 1348-FN-A and that is our report.

Adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator McLane moved to remove **HB 1332** establishing a committee to study the personnel problem in long-term health care facilities from the table.

Adopted.

Senator McLane offered a floor amendment.

SENATOR MCLANE: I am passing out an amendment that has a familiar look to it, because this body passed this bill with over 18 votes a little while ago. I would like to speak to two parts of it. First of all, its germaneness. It has been proven that any tax does cut down on use of tobacco or liquor products. It is hoped that particularly with chewing tobacco and mouth cancer the use of long-term health care facilities would be cut down by the passage of this amendment. There are two more important reasons, besides the health reasons, for wishing to pass this amendment. First is the fact that 35 other States tax all tobacco products including all the other States in New England. Secondly, the Department of Revenue Administration has estimated that it will only cost \$7000 to instigate this tax. And thirdly, the revenue. If no one thinks at this point that we don't need every penny that we can get, then they haven't been sitting down in Senate Finance. The State of Vermont, who has one administrator to take care of ten taxes including the tobacco products tax, makes \$400,000 just off tobacco products, a tax very similar to this, a wholesale monthly tax. So the estimates from the DRA are that we could earn as much as 1.3 million with this tax. I give it to

you as someone who has been on the tobacco products study committee, who has worked long and hard on the idea of a tobacco tax on all products. I think it is fair. I think it is healthy. I think we need the money.

SENATOR BOND: Senator McLane, am I correct in understanding that you desire to amend this bill with this particular legislation is so that we can snuff HB 1503 in committee of conference?

SENATOR MCLANE: I'll have to chew on that a while.

SENATOR HEATH: Senator McLane, my question is essentially the same as Senator Bond's but I would like a more specific reply. What is the purpose of doing this? It is redundant. It has already passed this House.

SENATOR MCLANE: I think it is important legislation. I think it should come before the House. I am doubtful whether the way that we passed it the last time, on what we termed a Christmas tree bill with four different items on the agenda of that bill, that it will receive a fair and honest hearing in the House. For that reason and because I care very strongly about it, I guess there are a couple of bills this session that we sent over twice and maybe this will be one of them.

SENATOR HEATH: Senator McLane, do you serve on the committee of conference on that bill where you can protect the legislation as we passed it?

SENATOR MCLANE: I think that may be part of the reality factor that has inspired me to add this to another bill as well, Senator Heath.

SENATOR HEATH: Senator McLane, are you going to, as a member of that committee of conference, support that position on that committee of conference?

SENATOR MCLANE: I will try very hard to keep this on the committee of conference as well. But I am under the impression that those four sections of the bill are fairly impossible to pass altogether.

SENATOR JOHNSON: I rise in support of the floor amendment. This is a basic fairness bill. Far too long have certain tobacco products been discriminated against in that they haven't been taxed. Now is the time to end that discrimination and pass this floor amendment.

SENATOR MAGEE: I am one of those Senators that wrote down a bunch of things that I swore I wouldn't do and that was vote for new taxes. I put my name on that thing back in 1988 and I would hate to

see my former opponent take me to task on that. That is the reason why I voted no on the smoking end of this tax. I really think that since I am pro-choice now Senator McLane, that I agree with your health scenarios and I agree with you, it is very dangerous, you can get lip cancer and so forth and so on. But, I think that is up to adult people to decide whether they want to get lip cancer or not, so I am going to have to vote no on the record, Senator.

SENATOR BASS: As one of the original sponsors of the expansion of the tobacco tax, I rise in strong support of this amendment. I point out, with all due respect to my distinguished colleague to my left here, that we just voted a tax in HB 705 in addition to the registration fee to pay for fire funds. So we all indeed do vote for taxes, unfortunately, everyday in the Senate. I would also point out or reiterate Senator McLane's good point that this current amendment is bottled up in a big piece of legislation that deals with a whole lot of different controversial subjects and the chances of it being successful are rather slim at this point. I would urge the Senate to adopt this timely amendment which will provide needed revenues to the State immediately as well as removing what is the fact that arbitrary, discriminatory practice that exists between the taxation of cigarettes alone and no taxation of any other tobacco product. I urge your adoption of the amendment.

SENATOR CURRIER: As a pipe smoker, I rise in support of this legislation. I chaired the tax study regarding the expansion of the tobacco tax to include smokeless tobacco products. It doesn't make any sense to me to tax cigarettes and all kinds of other tobacco products and not tax the rest of them. It is like as one of my colleagues on the committee stated during the hearing, it is like having a rooms and meals tax to tax the bread but not the bologna of the sandwich. So I would urge my colleagues to support this amendment so that we can stop the discrimination on tobacco products.

SENATOR HEATH: Senator Currier, do you think we should tax baloney?

SENATOR CURRIER: I think we tax baloney now, Senator, and the fact of the matter is that we have, in fact, not taxed these other tobacco products because of the archaic way that was developed through taxes through stamps. Each of these products has a different package. I should have brought my dog and pony show to explain how the packaging is done. So many packages, so many stamps would be required. But what we are talking about now in this particular amendment is a provision that would actually tax it on a reporting basis, very similar to the rooms and meals tax. So it is very easily collected.

SENATOR HEATH: Senator Currier, would you believe that if we tax baloney, I thought we could probably balance the budget right here in this room?

SENATOR CURRIER: I would agree with you, Senator.

SENATOR MAGEE: Senator Currier, I missed part of that. Did you say something about taxing dogs and ponies?

SENATOR CURRIER: No, I did not, Senator.

Amendment to HB 1332-FN

Amend the bill by replacing the title with the following:

AN ACT

establishing a committee to study the personnel problem
in long-term health care facilities and to
tax all tobacco products.

Amend the bill by replacing all after section 6 with the following:

7 Tobacco Products Redefined. RSA 78:1, XIV is repealed and re-enacted to read as follows:

XIV. "Tobacco products" means perique, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plus and twist tobacco, fine-cut and other chewing tobaccos, shorts, the refuse of fine-cut chewing, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or to be made into cigarettes or otherwise, or both for chewing and smoking, and substitutes therefor; and shall include cigarettes and cigars.

8 New Paragraph; Usual Wholesale Price Defined. Amend RSA 78:1 by inserting after paragraph XIV the following new paragraph:

XIV-a. "Usual wholesale price" means the normal wholesale price of tobacco products as determined by the commissioner. In determining the usual wholesale price the commissioner shall consider the generally established price of tobacco products as sold by the wholesaler to the retailer.

9 New Section; Tax on Other Tobacco Products. Amend RSA 78 by inserting after section 7-b the following new section:

78:7-c Tax Imposed on Tobacco Products Other Than Cigarettes. A tax upon the retail consumer is hereby imposed at a rate proportional to the cigarette tax, having such ratio to the usual wholesale price of each kind of tobacco product other than cigarettes as the cigarette tax bears to the usual wholesale price of cigarettes. The

tax under this section may be rounded to the nearest cent if the commissioner determines that the amount of tax would not thereby be made materially disproportionate. No such tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

10 Exemption from Affixing Tax Stamps. Amend RSA 78:12 to read as follows:

78:12 Affixing Stamps.

I. The commissioner shall adopt rules pursuant to RSA 541-A relative to the affixing of stamps to each package of tobacco products sold or distributed by a licensed wholesaler. At any time before tobacco products are transferred out of the possession of a licensed wholesaler, stamps shall be affixed, at the location for which the license is issued, to each package of tobacco products sold or distributed. Any person who violates the provisions of this section shall be guilty of a felony.

II. The commissioner is authorized to exempt such tobacco products other than cigarettes from the requirement of affixing stamps to their packages under paragraph I, as to which he finds that the affixing of stamps is physically impractical due to the size or nature of the package or that the cost of affixing the stamps is unreasonably disproportionate to the tax revenue to be collected. In lieu of stamps, the commissioner may, by rules adopted under RSA 541-A, require the submission of periodic reports to the commissioner by wholesalers thereof exempted under this paragraph, setting forth the total number of units of each such unstamped tobacco product distributed and transmitting payment of the tax due under this chapter. Any person who violates the provisions of this section by failing to make the reports and to pay the taxes due shall be guilty of a misdemeanor.

11 Reference to Unstamped Tobacco Products. Amend RSA 78:14 to read as follows:

78:14 Unstamped Tobacco Products. No sub-jobber, vending machine operator or retailer, and no other person who is not licensed under the provisions of this chapter, shall sell, offer for sale, display for sale, ship, store, import, transport, carry or possess with or without intent to sell, any tobacco products not properly stamped under RSA 78:12 or 78:13, **except as provided in RSA 78:12, II.** This section shall not prevent any unlicensed person able to purchase unstamped tobacco products by statute from possessing such products for his own use or consumption. The provisions of this section shall not apply to common carriers transporting unstamped tobacco products. Any person who violates the provisions of this section shall be guilty of a felony.

12 Definition of Tobacco Products Removed. Amend RSA 78:12-b, I to read as follows:

I. In this section[:]

[(a)] "Person" means a person under RSA 78:1, II and shall include any owner or operator of a vending machine for the sale of tobacco products and any person having control of the location where such a vending machine is located.

[(b)] "Tobacco products" means cigarettes, cigars, snuff, smokeless tobacco, products containing tobacco, and tobacco in any other form.]

13 Effective Date.

I. Sections 7-12 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the acute personnel problem in long-term health care facilities. The bill requires the committee to submit a report on its findings, including recommendations for legislation, to the speaker of the house, the senate president, and the governor on or before March 1, 1991.

The bill amends the definition of "tobacco products" under the tobacco tax, RSA 78, to include all forms of tobacco and not just cigarettes.

The bill also imposes a separate tax on tobacco products other than cigarettes. The tax is imposed at a rate which is proportional to the cigarette tax, having the same ratio to the usual wholesale price of each kind of tobacco product other than cigarettes as the cigarette tax bears to the usual wholesale price of cigarettes.

Amendment adopted. Ordered to Third Reading.

Senator Nelson and Senator Magee wished to be recorded as opposed to the floor amendment.

REMOVED FROM THE TABLE

Senator Roberge moved to remove **HB 1343** establishing a study committee on private contract prison systems from the table.

Adopted.

Senator Roberge offered a floor amendment.

SENATOR ROBERGE: I originally voted for tabling this measure last week. I have since had a change of heart. I have worked with the sponsor, Representative Pierce, about structuring the study committee in a very responsible way. We have expertise from the penal

system, with a balance of economic specialists and people like that from the business sector. I feel that this measure will get a thorough hearing and part of this legislation says that the committee shall submit a report with recommendations for legislation to the Governor, Speaker and President on or before April 15, 1990. I feel that this is a measure that deserves consideration and we should pass this bill and see what is going on and if we could possibly save some money by privatizing the prison system.

SENATOR BASS: Senator Roberge, how does the amendment differ from the original bill?

SENATOR ROBERGE: It sets up, you'll notice the original bill just set up two House, two Senate and the Commissioner of Corrections, and I believe, somebody from the counties, New Hampshire Association of Counties. That was about it and two members appointed by the Governor. In place of that, I have one economist familiar with public finance and one criminal justice expert appointed by the Governor. Those are the two Governor's appointees. We designated who we wished he would appoint on this committee. As far as the counties, we have one member of the correctional superintendents affiliates, that being the sheriff and one member of the New Hampshire Association of Counties. The Commissioner of Correction or his designee, the Attorney General or his designee, that is a new one, the Commissioner of the Department of Administrative Services or his designee. I feel this is extremely important and then one member appointed by the New Hampshire Police Chief's Association, because they run places like Valley Street in Manchester, and those kinds of prisons. I have also added very tightly that they will start these meetings within thirty days of effective of this act which is effective upon passage. How they will call the first meeting, they shall elect a chairman. They shall be done on August 15, 1990. The bill is very tight. It is a very responsible committee. It is an even balance. I ask passage.

SENATOR CHARBONNEAU: Did you make a mistake stating October 15, 1990 or is it supposed to be 1991?

SENATOR ROBERGE: No, I felt that if the committee needed more time they could probably ask for an extension but considering that that was almost the deadline for new legislation in the 1991 session. That was the reason that I set that date. Also, I expected that within the month they could start this study committee, so I felt that that would be enough time, six months.

SENATOR JOHNSON: This is a follow up to the point that Senator Charbonneau was making, would you believe that I am concerned that when we have these short reporting periods that so often that we then need to come in with an additional piece of legislation to extend them? And why don't we build in some flexibility at this time, instead of setting ourselves up for the possibility for another piece of legislation to extend this committee?

SENATOR ROBERGE: Senator Johnson, if we extend it, we would be extending it another year. I thought that was quite a long time to be extending it. If you are going to be extending it any longer than August 15, 1990, you might as well extend it to August, 1991, which I am not totally against.

SENATOR KRASKER: I am going to vote against the floor amendment. I have a reason that I would like to tell you. It talks about setting up a study committee to look into the whole issue of privatization. I am not particularly in favor of privatization in our penal system. It also says that in addition to studying, the committee shall submit recommendations for legislation. I think this is just slanting it. That this committee is going to feel that it has got to come up with legislation to privatize and for that reason I am going to vote against it.

Floor Amendment to HB 1343-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee Established; Membership. A committee is established to study private contract prison systems and their applicability to local, county and state correctional facilities in New Hampshire. The committee shall consist of the following:

- I. Two house members, appointed by the speaker of the house.
- II. Two senators, appointed by the senate president.
- III. One economist familiar with public finance and one criminal justice expert, appointed by the governor.
- IV. One member of the County Commissioners Council and one member of the Correctional Superintendents Affiliates, appointed by the New Hampshire Association of Counties.
- V. The commissioner of corrections or designee.
- VI. The attorney general or designee.
- VII. The commissioner of the department of administrative services or designee.
- VIII. One member appointed by the New Hampshire Police Chiefs Association.

2 Meetings; Chairmanship. The committee shall hold its first meeting within 30 days of the effective date of this act. The first-

named senate member shall call the first meeting of the committee. The committee shall elect a chairman at its first meeting.

3 Report. The committee shall submit a report, with recommendations for legislation, to the governor, speaker of the house, and senate president, on or before December 31, 1990.

4 Mileage. Legislative and state employee committee members shall receive mileage at their respective rates.

5 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study private contract prison systems and their applicability to local, county and state correctional facilities in New Hampshire. The committee is required to submit a report, with recommendations for legislation, to the governor, speaker of the house, and senate president, on or before December 31, 1990.

Chair called for a division vote.

13 Yeas

8 Nays.

Amendment adopted. Ordered to Third Reading.

HOUSE MESSAGES

SENATE NONCONCURS WITH HOUSE AMENDMENT

REQUESTS COMMITTEE OF CONFERENCE

SB 361, relative to radon gas and lead paint.

Senator Bond moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Bond, Preston, Freese.

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

Senator Bond moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Bond, Heath, Preston.

SB 391-FN, relative to confidential communications between certain victims and counselors.

Senator Podles moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Roberge, Nelson.

SB 374-FN, establishing a study committee to examine probate court reporting requirements.

Senator Charbonneau moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Krasker, McLane.

SB 359, relative to modifying planning board procedures on plats.

Senator Charbonneau moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Heath, Johnson, Krasker.

SB 320-FN, relative to court-ordered commitments.

Senator Podles moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Preston, Bass.

SENATE ACCEDES TO HOUSE REQUEST FOR COMMITTEE OF CONFERENCE

The Senate accedes to the request of the House of Representatives for a Committee of Conference on the following entitled Bills:

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements.

Senator Roberge moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Roberge, Blaisdell, Bartlett.

HB 731, dedicating the state police barracks in Milford.

Senator Torr moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Torr, Preston, Roberge.

HB 1353-FN, relative to the oversight committee on health and human services.

Senator Krasker moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Preston, Bond, Podles.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover.

Senator Preston moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Preston, Heath, King.

HB 1344, relative to least cost planning by electric utilities.

Senator Dupont moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators St. Jean, Dupont, Podles.

HB 363-FN, relative to the issuing of trapping licenses.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Bond, Freese, Preston.

HB 1503-FN, relative to certain general fund fees and revenues and certification of wastewater treatment plant operators.

Senator Roberge moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators McLane, Torr, Blaisdell.

HB 1228-FN, relative to preparation of master jury lists by computer.

Senator Charbonneau moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Charbonneau, Nelson, Bass.

HB 1245-FN, relative to the statute of limitations on prosecutions for sexual assault offenses against children.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Nelson, Roberge.

HCR 13, to protect and preserve the tenth amendment to the United States Constitution and relative to proposing a constitutional amendment to limit congressional terms.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Heath, Nelson.

HB 348-FN, relative to damages from construction.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Preston, Bass.

HB 1441-FN, relative to medicaid fraud.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Preston, Roberge.

HB 1204-FN, reinstating certain corporate charters.

Senator Charbonneau moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Johnson, King, Bass.

HB 756-FN, relative to cluster development and multi-family dwellings.

Senator Charbonneau moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Johnson, Heath, King.

HB 575-FN, relative to campaign financing.

Senator Charbonneau moved to accede to the House request for a committee of conference.

Adopted.

Conferees for the Senate are: Senators Bartlett, Bass, Krasker.

SENATE CONCURS WITH HOUSE AMENDMENTS

SB 321, relative to group health insurance.

Senator Delahunty moved concurrence.

Adopted.

SB 403-FN, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

Senator Delahunty moved concurrence.

Adopted.

SB 379-FN, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership.

Senator Krasker moved concurrence.

Adopted.

SB 301-FN, relative to licensing commercial vehicle drivers.

Senator Preston moved concurrence.

Adopted.

SB 370-FN, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant.

Senator Preston moved concurrence.

Adopted.

SB 319, relative to a uniform principal and income act.

Senator Charbonneau moved concurrence.

Adopted.

SB 386, relative to the use of public water by the town of Lincoln and by Loon Mountain Recreation Corporation.

Senator Bond moved concurrence.

Adopted.

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.

Senator Freese moved concurrence.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 442-FN, establishing a lakes management and protection program.

HB 1052, relative to a public trust grant for Mount Sunapee and Cannon Mountain ski resorts' snowmaking.

HB 1099, relative to controlled drugs and pharmacy licensing.

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility.

HB 1122-FN, establishing a study committee on the best use of Kona Wildlife Area in the town of Moultonborough.

HB 1152, relative to confidentiality of information regarding videotape rentals.

HB 1158-FN, relative to protecting the United States flag from desecration when it is properly displayed on public or private property.

HB 1189-FN, relative to reimbursement for acts which require public agency response services.

HB 1219-FN, relative to the oil discharge and disposal cleanup fund.

HB 1227-FN, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect.

HB 1309, relative to a public trust grant for the Gunstock Area ski resort's snowmaking.

HB 1404-FN-A, establishing a study committee on shoreland protection and standards for such protection.

HB 716, to codify certain boating and water safety rules.

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements.

HB 1092-FN, relative to low and moderate income housing, equity sharing, and reverse equity loans.

HB 1150-FN, relative to the oil pollution control fund.

HB 1151-FN, requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members.

HB 1222-FN, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup.

HB 1256-FN, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees.

HB 1354-FN, relative to boat registrations.

HB 1376-FN-A, relative to a public water rights report and legislative study committee.

HB 1379-FN, relative to notice given to affected municipalities concerning effluent discharges.

HB 1415, relative to OHRV safety and training.

HB 1419, relative to the Monadnock advisory commission.

HB 514, relative to rulemaking authority of the director, division of public health services.

HB 670-FN, relative to public accommodation of physically handicapped persons.

HB 723-FN, regarding the acid rain control act.

HB 1073, relative to sales representatives' contracts.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant and removing the requirement that a town have a population of 5,000 or more to elect a board of selectman of 5 members.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.

HB 1157-FN, relative to capital murder.

HB 1216-FN, relative to depositions and video tape testimony.

HB 1234-FN, relative to guardians' authority to admit to institutions.

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same.

HB 1310-FN, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, relative to the participation of certain organizations in the New Hampshire retirement system, and relative to the city of Berlin retirement system.

HB 1357, relative to the rulemaking authority of the commissioner of environmental services.

HB 1394-FN, relative to the election of optional retirement allowances.

HCR 18, urging a statewide conference on families.

ENROLLED BILL AMENDMENTS

Enrolled Bill Amendment to HB 1341

Amend the bill by replacing section 2 with the following:

2 Contingency; Renumbering. If HB 490, "An act establishing a speed limit on a portion of the Connecticut River" becomes law, RSA 270:120 as inserted by section 1 of this act shall be renumbered to read as RSA 270:121. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 270 which inserts any new section into the chapter becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

3 Effective Date. This act shall take effect 60 days after its passage.

Senator Currier for the committee.

SENATOR CURRIER: This amendment allows the director of Legislative Services to renumber RSA divisions inserted in RSA 270.

Adopted.

Enrolled Bill Amendment to HB 1200-FN

Amend page 1 of the bill by replacing lines 7-10 with the following: with a Disability. Amend the following RSA provisions by replacing:

I. "Physically handicapped persons", "handicapped citizens"; or "handicapped persons" with "persons with a disability": 151-C:7, III; 207:10-c, section

Amend page 2 of the bill by replacing line 11 with the following: disability": RSA 266:61, II.

Amend page 2 of the bill by replacing lines 23-25 with the following:

170-G:10, IV; 186-B:1; 186-C; 188-E:5; 193:3; 198:20-a; 198:25; 198:28, IX; 200:26; 200-C:2; 200-C:16; 200-C:17; 201-A:2, VI(a); 224:12-a; 260:21, I(b); 265:73-a; 266:61-a, section heading; 275-C:10, III; 287-E:7,

Amend page 3 of the bill by replacing line 5 with the following: 354-A:8; 354-A:13; 651:6, I(e).

Amend section 2 of the bill by deleting paragraphs VIII and IX and renumbering the original paragraphs X-XIV to read as VIII-XII, respectively.

Senator Currier for the committee.

SENATOR CARRIER: The enrolled bill amendment inserts omitted amending language, corrects citations and removes duplicate citations.

Adopted.

Enrolled Bill Amendment to HB 1364

Amend RSA 155-D:7, II as inserted by section 5 of the bill by replacing lines 1-2 with the following:

II. Towns or cities which prior to [the effective date of this chapter] **August 24, 1979**, have enacted a [comparable,] nationally recognized equivalent of

Amend RSA 155-D:10 as inserted by section 7 of the bill by replacing line 5 with the following:

RSA 155-D[2, V]. [In addition,] Before filing a notice of proposed rule

Amend the bill by deleting section 8 and renumbering the original sections 9 and 10 to read as 8 and 9, respectively.

Senator Currier for the committee.

SENATOR CURRIER: The amendment corrects a cross-reference and deletes an unnecessary repeal section.

Adopted.

Enrolled Bill Amendment to HB 1360-FN

Amend the bill by replacing line 3 of RSA 106-F:8, III as inserted by section 7 of the bill with the following:

check **and investigation** provided in RSA 106-F:7[, III]. The

Amend the bill by replacing line 4 of RSA 106-F:13-a as inserted by section 11 of the bill with the following:

local police department in the municipality in which the felony occurred.

Senator Currier for the committee.

SENATOR CURRIER: This amendment corrects a technical error in RSA reference and an error in phraseology.

Adopted.

ENROLLED BILLS

HB 1025, relative to limited liability for volunteers.

HB 1069, relative to the dig-safe law.

HB 1096, establishing a committee to study the feasibility of developing a state-wide trauma care system.

HB 1106, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings.

HB 1117, relative to children attending camp facilities.

HB 1259, relative to the unclaimed and abandoned property act.

HB 1285, relative to agricultural labor and unemployment compensation.

HB 1319, authorizing the use of emergency lights for private vehicles of hospital emergency personnel.

HB 1321, requiring the fish and game department to submit a shellfish management plan.

SB 302, relative to the Mount Washington Commission.

SB 360 relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies.

SB 339, relative to licensure of mobile barbershops.

HB 1136, relative to filing of annual reports with the secretary of state.

HB 1169, establishing a committee to study drug and alcohol testing in the workplace.

SB 344, relative to the appointment of the director of water supply and pollution control.

SB 363, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters.

HB 1034, exempting persons permitted to engage in falconry from the importation permit requirement.

HB 1118, relative to the disabled.

HB 1152 relative to confidentiality of information regarding videotape rentals.

HB 1171, relative to the purchase of breath analyzer machines and making an appropriation therefor.

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles.

HB 1189, relative to reimbursement for acts which require public agency response service.

HB 1219, relative to the oil discharge and disposal cleanup fund.

HB 1384, relative to use of genetic test results as evidence in paternity proceedings.

HB 1427, relative to recycling logo.

SB 323, establishing a committee to study the feasibility of a state agency office complex.

SB 336, relative to the statute of limitations on prosecutions for bad checks.

SB 400, increasing the appropriation for constructing regional vocational education centers.

HB 591, requiring grocery stores to mark each packaged item offered for sale with a price.

HB 1013, reviving the charters of the New Hampshire Karting Association and Loctite Luminescent Systems, Inc. and relating to powers of the New Hampshire Historical Society.

HB 1039, relative to a bingo fee.

HB 1052, relative to a public trust grant for Mount Sunapee and Cannon Mountain ski resorts' snowmaking.

HB 1082, making an appropriation to the Wallop-Breaux fund.

HB 1099, relative to controlled drugs and pharmacy licensing.

HB 1111, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility.

HB 1122, establishing a study committee on the best use of the Kona Wildlife area in the town of Moultonborough.

HB 1158, relative to protecting the United States flag from desecration when it is properly displayed on public or private property.

HB 1193, relative to wage withholding.

HB 1258, establishing a New Hampshire clean lakes program.

HB 1309, relative to a public trust grant for the Gunstock Area ski resort's snowmaking.

HB 1404, establishing a study committee on shoreland protection and standards for such protection.

SB 383, relative to a vocational center in Claremont.

SB 388, relative to providers of emergency medical services and ski patrol personnel qualifications and licensing.

HB 490, establishing a speed limit on a portion of the Connecticut River.

HB 639, relative to the disposition of acquired or abandoned rail properties.

HB 700, imposing minimum mandatory sentences for felonious use of firearms.

HB 1157, relative to capital murder.

HB 759, relative to electronic surveillance in drug investigations.

HB 1016, relative to altering municipal highway classifications.

HB 1334, relative to telephone utilities service territories.

HB 1424, regulating abortions.

SB 387, relative to insurance of accounts, interstate banking, and other matters regarding financial institutions.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that Senate now adjourn from the early session, that the business of the late session be in order at the present time, that the bills ordered to third reading be read a third time by this resolution, all titles be the same as adopted and that they be passed at the present time; and that we be in recess until Thursday, April 12 at 1:00 p.m.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 705-FN, relative to drug-free school zones, making supplemental appropriations, and establishing a fire service fund.

HB 1114-FN, relative to a study of care of the elderly and making an appropriation for meals on wheels, relative to the department of health and human services, and relative to certain food service establishments.

HB 1348-FN-A, establishing a committee to oversee the preliminary steps in the creation of an access to health care program and making an appropriation therefor.

HB 1332, establishing a committee to study the personnel problem in long-term health care facilities and to tax all tobacco products.

HB 1343, establishing a study committee on private contract prison systems.

RESOLUTION

Senator Dupont moved that the Senate be in recess until Thursday, April 12, 1990 at 1:00 p.m. for the sole purpose of Enrolled Bill Reports and receiving House messages.

Adopted.

Recess.

April 12, 1990

Out of Recess.

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Thursday, April 12 at 1:00 p.m.

LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjournment.

April 12, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Lord, help us as we celebrate Maundy Thursday, the day of the foot washing at the Last Supper instituting the Mass with the command "Do this in remembrance of My Body and Blood until I come again." We are happy because the Orthodox Church celebrates Easter this Sunday as well. And so I am going to say to you Christe Aneste and Happy Easter. Do not forget the betrayer, Judas Iscariot. Let us never be guilty of this to anyone or to ourselves. Bless us, Lord.

Amen

Senator Johnson led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

RESOLUTION

Senators McLane and Heath introduced a Resolution thanking Walter Hawley of St. Paul's School for his work with the Christa McAuliffe Planetarium.

RESOLUTION

Senator Johnson introduced **Senate Resolution 6**, recognizing the County Police Assistance Network.

SENATOR JOHNSON: I think we all know that New Hampshire is heavily dependent on the concept of volunteerism here in this State. We have school volunteers, we have fire department volunteers, we have all sorts of volunteers and Senate Resolution Number 6 is an effort to recognize another group of law enforcement, another group of volunteers, specifically the County Police Assistance Network. I would like to tell you just a little about the make-up of their organization. The membership includes medical people, retired police officers, retired military police with intelligence background as well as intelligence, conservationist, communication experts, firefighters, transportation people including airline pilots and railroad engineers. I would like to make sure that you understand that they don't wear guns, they don't have any power of arrest. In the future, you will probably have an opportunity to see this decal on some of the cars. It's one of the identifying markers that they use. (CPAN) Meaning County Police Assistance Network and let me now share publicly with you Senate Resolution Number 6.

SR 6

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION

recognizing the County Police Assistance Network.

Whereas, the County Police Assistance Network, otherwise known as CPAN, is a statewide police assistance organization available to assist New Hampshire law enforcement agencies in emergency situations and in other duties as called upon; and

Whereas, CPAN administers a law enforcement volunteer assistance program in which volunteers assist the police in a variety of ways, including neighborhood crime watch, parking, traffic control and surveys, public events and parades, crowd control, and reporting suspicious activity; and

Whereas, CPAN maintains a statewide radio communications network operating on UHF radio frequencies 151.925 mobile to headquarters, and 151.995 mobile to mobile, and monitors local, county, and state law enforcement communications; and

Whereas, CPAN is committed to keeping all law enforcement agencies within this state informed of its procedures and capabilities, to provide such agencies with a list of its volunteer members, upon request, and to require its members to maintain a high but appropriate public profile by displaying proper CPAN membership identification such as special identification cards and properly marked vehicles; and

Whereas, CPAN is committed to the preservation of America and the American way of life; now, therefore, be it

Resolved by the Senate:

That the work of the County Police Assistance Network and its volunteer members be recognized for their fine and important contributions to the efforts of official law enforcement agencies to maintain and promote public safety in the state of New Hampshire; and

That copies of this resolution, signed by the president of the senate, be forwarded by the clerk of the senate to the governor and council, the commissioner of safety, the New Hampshire Police Chiefs Association, and the New Hampshire Sheriffs Association.

Adopted.

RESOLUTION

Senator McLane introduced **Senate Resolution 4**, relative to reduced defense spending and concern for the New Hampshire economy.

SENATOR MCLANE: Thank you very much, Mr. President, I appreciate your doing it now, because my intern, Joe Carlin, has done most of the research on this and he has a two o'clock class. So I hope he does not run into the law enforcement agency on the way to get over there. But Joe has done a lot of work and I appreciate it. This is a project that has gone on in many states and New Hampshire. Joe has sent away to both Ohio and Minnesota, where they have done a report such as we envision about the defense contracting in the State, the amount and how conversion of that economy would help the States. Joe and I have gone to talk with Jeff Taylor, who is the Director of State Planning. He is very interested in doing something along this line. He was interested in the econometric model which came from Minnesota and so I would urge your passage of this resolution. The Governor has said he will do it, but I think a good push from the Senate would be very helpful.

SR 4

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION

relative to reduced defense spending and concern
for the New Hampshire economy.

Whereas, the state of New Hampshire has acted with speed and

forethought on the issue of the closing of Pease Air Force Base, and has worked with local groups to effect a positive solution to the closing of the base; and

Whereas, the cause of freedom around the world had been greatly advanced by recent events in Europe, including the fall of the Berlin Wall and initial steps toward democratization by many Eastern European nations; and

Whereas, the military budget is certain to be reduced as the Cold War abates, and the Secretary of Defense has already called for reductions in defense spending; and

Whereas, we applaud and encourage the beating of swords into plowshares, we are also concerned about the effect reduced defense spending will have on our economy; and

Whereas, ten percent of the total New Hampshire manufacturing product is dependent on defense related contracts; and

Whereas, tens of thousands of New Hampshire workers are employed in positions dependent on defense contracts; and

Whereas, it would be intolerable to see unemployment become the price of disarmament; and

Whereas, it is our firm belief that adequate advanced planning can turn negotiated defense cuts into an opportunity for increased employment and production in New Hampshire; now, therefore, be it

Resolved by the Senate:

That the New Hampshire Senate calls upon Governor Judd Gregg to create a committee of New Hampshire business and labor leaders to study the impact of reduced defense spending on the state and to help plan the transition to a peace economy.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitles Bills sent down from the Senate:

SB 324-FN-A, relative to the Spaulding Turnpike and making an appropriation therefor.

SB 338-FN, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 392-FN, relative to the Spaulding Turnpike.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bill sent down from the Senate:

SB 407-FN, relative to the retirement eligibility of the director of the police standards and training council.

**HOUSE ACCEDES TO COMMITTEE
OF CONFERENCE REQUEST**

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 320-FN, relative to court-ordered commitments.

Conferees for the House are: Gage, Sytek, Murphy, Keans

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages.

Conferees on the part of the House are: Representatives R. Kelley, A. Klemm, T. Behrens, G. Lemire.

SB 361, relative to radon gas and lead paint.

Conferees for the House are: Representatives Rodeschin, Vogler, Spear, Rosen.

SB 397-FN, relative to drug testing of drivers and adult pedestrians involved in fatal accidents.

Conferees on the part of the House are: Representatives C. W. Johnson, R. Murphy, D. Lozeau, S. Jasper.

SB 391-FN, relative to confidential communications between certain victims and counselors.

Conferees for the House are: Lown, Burling, Moore, Lockwood

SB 374-FN, establishing a study committee to examine probate court reporting requirements.

Conferees for the House are: Gage, Burling, Lockwood, Martling.

**SENATE REFUSES TO CONCUR WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE**

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill with amendment and the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SB 401, relative to penalties imposed for DWI offenses.

Senator Preston moved nonconcurrency and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Preston, Johnson and Heath.

SB 406, relative to creditable service for retirement purposes for teachers in job-share.

Senator Blaisdell moved nonconcurrency and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Torr, Blaisdell and Delahunty.

SB 333, making a supplemental appropriation to aid the sensory impaired.

Senator Blaisdell moved nonconcurrency and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Blaisdell, Dupont and Nelson.

SB 367, relative to medical and surgical benefits for children of deceased group II members and relative to accidental death benefits.

Senator Blaisdell moved nonconcurrency and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Blaisdell, Dupont and Torr.

SB 353, requiring the state agencies to purchase recycled paper products.

Senator Bond moved nonconcurrency and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Bond, Krasker and McLane.

SB 343, providing a 5 percent cost of living adjustment for group II members.

Senator Freese moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Delahunty, Blaisdell and Dupont.

SB 384 relative to medical examiners and making an appropriation therefor.

Senator St. Jean moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators St. Jean, Bartlett and Podles.

SB 377, to permit group II members to purchase out-of-state service as creditable service for the New Hampshire retirement service.

Senator Delahunty moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Freese, Blaisdell and Magee.

SB 390, relative to laws regarding abuse and neglect of children.

Senator Podles moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Nelson and Bass.

SB 325, establishing a committee to study the law of mechanics' liens and foreclosures of mortgages.

Senator Podles moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Podles, Preston and Roberge.

HOUSE MESSAGE

The House of Representatives concurs with the Senate and its amendments to the following entitled Bills sent down from the Senate:

HB 1057-FN-A, relative to a fee for lucky 7 tickets.

HB 1315-FN, relative to child support guidelines and to guardians ad litem appointed in marital cases.

HB 1343-FN, establishing a study committee on private contract prison systems.

HB 1348-FN-A, establishing a committee to oversee the preliminary steps in the creation of an access to health care program and making an appropriation therefor.

HB 1386-FN, relative to child support enforcement.

HB 1418-FN, relative to licensing of child day care, residential care, and child-placing agencies.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill with amendment and the passage of which amendment the House of Representatives asks the concurrence of the Senate:

SENATE REFUSES TO CONCUR WITH AMENDMENT REQUESTS A COMMITTEE OF CONFERENCE

SB 309, establishing a New Hampshire Heritage trail.

Senator Bond moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Bond, Currier and St. Jean.

SB 398, relative to the East-West highway study.

Senator Torr moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Bond, Preston and Charbonneau.

SB 340, establishing a medicaid reimbursement program for educationally handicapped children.

Senator Krasker moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees for the Senate are: Senators Dupont, Blaisdell and Torr.

COMMITTEE REPORTS

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations.

Ought To Pass With Amendment. Senator Torr for the committee.

SENATOR TORR: HB 1182-FN is a collage of many things. The bill extends many lapse dates to June 30, 1991, and increases the amount of start up money from \$200,000 to \$400,000, if the revenue exceeds two million dollars for the ski areas. It gives the port authority the authority to do business with foreign ports. It increases the gas tax by .02% that combined with the previous .02% increase would be used for betterment. Betterment is categorized as reconstruction, construction, repaving, and bridge repair. The distribution would be done by county, based on road mileage and population. It has a foot note (d) which is very explicit. The money is not transferable. We changed some language and added some language relative to the airport. It gives them an automated surface observation system which could save the airport some money. We put a capping of the amount of \$10,000 to be paid by the Department of Transportation on wetlands fees. It also sets up a program of recording system for the Department of Transportation to the legislature. It also corrects some fee schedules.

SENATOR JOHNSON: I'm looking at section 15 on page 15. I was trying to understand what the consequence of that is?

SENATOR TORR: Originally that was a appropriation of 1.2 million dollars to reconstruct the Mason Library in Keene. At some time during the past, the Thorn Surgoff Art Center, it was an area that was built in the Mason Library. As a result of what the consultants reported, it would be improper to leave that Art Center in the Library. So therefore, the Art Center is going to be moved to where the other Art locations are now on the Keene campus and the 1.2 million still would be utilized in reconstructing the Mason Library.

Amendment to HB 1182-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, increasing the gasoline tax, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, requiring progress and status reports from the department of transportation and altering the effective dates of certain fee increases.

Amend the bill by replacing all after section 9 with the following:

10 Ski Area Operations Fund. Amend 1985, 409:17 to read as follows:

409:17 Resources and Economic Development; Special Provisions. There is hereby created in the department of resources and economic development a [Franconia/Sunapee snowmaking and grooming] **ski area operations** fund. At the close of each fiscal year, revenue from winter ski operations at Mount Sunapee and Cannon Mountain in excess of \$2,000,000, up to an amount not exceeding [\$200,000] **\$400,000 for operations** shall be deposited in the fund. The fund shall be continuing and nonlapsing. Funds may be used for said purpose only with the prior approval **of the fiscal committee and the approval** of governor and council.

11 Extending Lapse Date for Skyhaven Airport and Audit Fund. The appropriations made to the aeronautics commission in 1981, 565:1, II as amended by 1983, 423:17, 1986, 211:18 and 1989, 367:28, II(j) for the Skyhaven airport and the Skyhaven audit fund is hereby extended to June 30, 1991.

12 Extending Lapse Date for Manchester Airport. The appropriation made to the aeronautics commission in 1969, 505:1, III(f) and 1972, 62:5 as amended by 1985, 400:5, III(a) and 1987, 399:45, I, and extended by 1989, 367:27, II(k), for Manchester airport-land acquisition and obstruction removal is hereby extended to June 30, 1991.

13 Extending Lapse Date for Dillant-Hopkins Airport Appropriation. The appropriation made to the aeronautics commission in 1978, 49:1, III, A(1) as amended by 1981, 565:14, III and V(c), 1983, 423:19,

1986, 211:16, and 1989, 367:27, II(l), for runway reconstruction and obstruction removal at the Dillant-Hopkins airport, is hereby extended to June 30, 1991.

14 Extending Lapse Date for Skyhaven Airport. The appropriation made to the aeronautics commission in 1979, 435:1, III, E as amended by 1983, 423:16 and 1986, 211:14 for the Skyhaven airport, is hereby extended to June 30, 1991.

15 Mason Library - Keene. 1989, 367:2, E is repealed and reenacted to read as follows:

E. Expansion, renovation, and rehabilitation of Mason
Library - Keene to include relocation of the Thorne-Sagendorf
Art Gallery \$1,200,000

16 Extending Lapse Date for Sugden House Expansion. The appropriation made to the department of resources and economic development in 1987, 399:1, IX, J, 2 as amended by 1988, 224:24 for Sugden House expansion is hereby extended to June 30, 1991.

17 Extending Lapse Date for Matching Funds for the New England Child Support Enforcement System. State fiscal year 1990 general funds in account 025-045-6128-430, which were appropriated for the purchase of equipment to support the New England Child Support Enforcement System, shall not lapse until June 30, 1991.

18 Appropriation; Department of Transportation. Amend 1989, 367:1, XII by inserting after subparagraph 4 the following new subparagraph:

5. Lebanon Airport - phase I, reconstruction
of 2,400 feet of east end of runway 725
and North Apron Expansion \$1,259,000
Less Federal -1,133,100
Less Local (Lebanon) - 62,950
Net appropriation, subparagraph 5 \$ 62,950

19 Total Appropriation. Amend the total appropriation of 1989, 367:1, XII A to read as follows:

Total appropriation subparagraph A	\$ [631,756]	694,706
Total state appropriations		
paragraph XII	\$ [631,756]	694,706
Total state appropriation section 1	\$[20,388,322]	20,451,272

20 Bond Authorization for Lebanon Airport. Amend 1989, 367:7 to read as follows:

367:7 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, and 3 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [\$38,046,322] \$38,109,272 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

21 Port Authority Business with Foreign Countries. Amend RSA 271-A:3, I to read as follows:

I. Have the authority to make all necessary arrangements with other port authorities of other states and federal departments [and], agencies, **and foreign countries and their port entities** for the interchange of business, and for such other purposes as will facilitate and increase the commerce of the ports, harbors, and tidal navigable rivers of the state.

22 Port Authority Bonds and Notes. Amend 1985, 409:11, IV to read as follows:

IV. To provide funds for the purposes of section 7, the rehabilitation of Barker wharf, the state treasurer is hereby authorized to borrow upon the credit of the state in the amount of \$375,000 and for that purpose shall issue [revenue] bonds and notes in the name of and in behalf of the state of New Hampshire in accordance with RSA 6-A. The interest and principal due on the bonds or notes issued under this paragraph shall be a direct charge against the New Hampshire port authority revenues. Prior to issuance of the bonds or notes authorized hereunder, the treasurer may, for the purpose of this section, borrow money from time to time on short-term loans which may be refunded by the issuance of the bonds or notes hereunder; provided, however, that at no time shall indebtedness on such short-term loans exceed the sum of \$375,000.

23 Maturity of New Hampshire Technical Institute Bonds. Amend 1988, 164:2 to read as follows:

164:2 Bonds Authorized. To provide funds for the appropriation made in section 1 of this act, the state treasurer is authorized to borrow upon the credit of the state not exceeding \$3,467,000, and may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, except that, notwithstanding the provisions of RSA 6-A:2, such bonds shall have a maturity of **up to 30** years from the date of issue.

24 Statement of Purpose. The general court hereby declares that its purpose in enacting sections 25-28 of this act shall be to improve the economy of the state, to reduce unemployment in the state, and to improve the condition of state-maintained highways and bridges.

25 Road Tolls on Users of Motor Fuel Increased. Amend the introductory paragraph of RSA 260:32 to read as follows:

There is hereby imposed a road toll of [\$.16] **\$.18** per gallon upon the sale of each gallon of motor fuel sold by distributors thereof. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. Provided, that the road toll shall not apply to:

26 Gasoline Floor Tax Imposed. Notwithstanding any other provision of law, there is hereby imposed on all gasoline on which the road

toll has been paid or assessed, in the possession of any distributor, wholesaler or retailer at 12:01 a.m. 5 working days after passage of this act, a tax in the amount of 2 cents per gallon. All distributors, wholesalers and retailers shall determine their inventory of gasoline at 12:01 a.m. 5 working days after passage of this act, by measuring the gasoline in their possession and shall forward said inventory broken down by class of premium, regular, no lead, and premium no lead to the director of motor vehicles. Said distributors, wholesalers and retailers shall pay the tax imposed herein to the director of motor vehicles at the time of filing said inventory. All such inventories shall be filed and the tax paid no later than 30 days after passage of this act. The director of motor vehicles is hereby authorized to require any person liable to pay the tax imposed herein to furnish such information as he shall deem necessary. He may adopt such reasonable rules and regulations as may be necessary to enforce this section. Such rules and regulations shall be deemed emergency in nature and shall not be subject to RSA 541-A. Any person who furnishes false information, regarding the inventory which he has, which is taxable pursuant to this section shall be guilty of a misdemeanor.

27 Department of Transportation; Project.

I. Development Division. 1990, 1:1, 04, 01, 03, 10, 01 is repealed and reenacted to read as follows:

04 Transportation

01 Department of transportation

03 Project development division

10 Non-matching funds

01 Betterment

90 Betterments D	\$4,928,000	\$19,940,800
Total	4,928,000	19,940,800
Estimated source of funds for betterment		
Highway funds	4,928,000	19,940,800
Total	4,928,000	19,940,800

* This appropriation is an estimate of the amount to be apportioned in accordance with RSA 235:23-a that provides for not less than 88 percent of the \$.04 increase in the road toll revenue collected in each current fiscal year shall be allocated to the highway betterment program. The commissioner is authorized to expend the actual amounts as provided by statute and the excess appropriation shall lapse and any amount necessary to meet the statutory obligations of RSA 235:23-a is here by appropriated and shall be a charge against the highway fund.

II. The legislative budget assistant is authorized to adjust all totals as made necessary by paragraph I of this section.

28 New Section; Highway Betterment Program. Amend RSA 235 by inserting after section 23 the following new section:

235:23-a Highway Betterment Program.

I. There is established a highway betterment program for the purpose of highway construction, reconstruction, and resurfacing, and for bridge maintenance, in each county in the state. Funding for the program shall come from the \$.04 increase in the road toll as provided in RSA 260:32, so that 88 percent of the increase shall be used for the purposes of this section. The additional road toll shall be deposited in the highway fund to be distributed as provided in paragraph II.

II. The commissioner shall expend the funds in paragraph I in each county in the state based upon a formula in which 1/2 of the amount of those funds is based upon the proportion which the mileage of state-maintained class I, class II, and class III highways, excluding turnpikes, in each county, as of January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount of the funds in paragraph I is based upon the proportion which the office of state planning population estimate of each county bears to the latest estimate of the total population of the state as of July 1 of the year of the estimate.

III. The commissioner shall prepare a report not later than December 1 of each year which details the way in which the highway department has expended funds for highway construction, reconstruction, and resurfacing, and for bridge maintenance according to the provisions of paragraph II. The report shall be submitted no later than December 1 of each year to the president of the senate, the speaker of the house, the governor, the chairman of the house public works committee, and the chairman of the senate capital budget committee.

29 Mt. Washington Regional Airport. Amend 1989, 367:1, XII, A, 2 to read as follows:

2. Mt. Washington Regional Airport - Whitefield and Berlin Municipal Airport - Berlin/purchase install and maintain FAA certified automatic weather observation system #3 **or automated surface observing system**200,000

30 New Paragraph; Services in Lieu of a Portion of Application Fees. Amend RSA 482-A:3 by inserting after paragraph VI the following new paragraph:

VII. The wetlands board may enter into a memorandum of agreement with the New Hampshire department of transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their application fees. The maximum application fee for the department of transportation shall be \$10,000 per application plus provision for technical or consulting services or a combination of such services as necessary to meet the need of the wetlands board.

31 Department of Transportation Highway Program Review and Reports. The commissioner of the department of transportation shall develop a reporting program to enhance the legislature's knowledge and oversight of the 10-year highway construction and reconstruction plan established under 1986, 203. The commissioner shall provide the president of the senate, speaker of the house, chairman of the senate capital budget committee, and chairman of the house public works committee with the following progress reports:

I. Annual program status reports to be filed for the most recently completed fiscal year, on or before December 1, beginning December 1, 1990. Such reports shall evidence:

(a) Accomplishments for the reported fiscal year with comparisons to the 3 previous fiscal years, including the number of improvement projects awarded and award totals in terms of miles and dollars for:

- (1) Interstate highway system rehabilitation.
- (2) Turnpike expansion.
- (3) Other highways of national significance.
- (4) Other highways.
- (5) Bridges.
- (6) Local roads.
- (7) Local bridges.
- (8) Other awards.

(b) Betterments such as resurfaced highways and shall include comparisons of the number of miles resurfaced and costs in the reported fiscal year with the 3 previous fiscal years.

(c) Other betterments and shall include comparisons at the number of miles improved and costs in the reported fiscal year with the 3 previous fiscal years.

(d) Miles of modern highways and number of modern bridges on the state highway system.

(e) Backlog of highway needs including the number of deficient sections and bridges, miles of needs and estimates of costs to upgrade for:

- (1) Interstate highways.
- (2) Turnpikes.
- (3) Other highways of national significance.
- (4) Other state highways.
- (5) Bridges.

(f) The number of department of transportation permanent positions with comparisons to the 3 previous years for:

- (1) Managers.
- (2) Professionals.

- (3) Technicians.
- (4) Support staff.
- (5) Total.

II. Annual system status reports for the most recently completed fiscal year to be filed on or before December 1, beginning December 1, 1990. Such reports shall evidence:

(a) Average annual traffic densities with comparison to the previous 10 years for:

- (1) Interstate highways.
- (2) Turnpikes.
- (3) Other highways of national significance.
- (4) Other state highways.
- (5) Total state highway system.
- (6) All roads.

(b) Traffic accidents with annual comparisons to the previous 10 years including:

- (1) Fatalities.
- (2) Fatality rates (traffic deaths/100 million vehicle miles traveled).
- (3) Total accidents.

III. Quarterly project status reports for the most recently completed quarter to be filed within 30 days after the close of the quarter. The first report shall be due on or before October 15, 1990. The quarterly reports shall evidence:

(a) Listings of improvement projects that have been let to contract in the current fiscal year and the last completed quarter and scheduled to be let to contract in the remaining quarters of the fiscal year, with:

- (1) Current target award date.
- (2) Original target award date.
- (3) Reason for date slippage or advancement.
- (4) Current project cost estimate.
- (5) Original project cost estimate.
- (6) Reason for cost change.

(b) Improvement project stages, including number and dollar volume, which are:

- (1) In project development.
- (2) Delayed.
- (3) Under construction.

IV.(a) Annual financial status reports for the most recently completed fiscal year to be filed on or before December 1, beginning December 1, 1990. Such reports shall evidence:

(1) Current budget as compared with expenditures in each of the previous 3 years from major categories of expenditure, such as:

- (A) Construction.

- (B) Project development.
- (C) Maintenance.
- (D) Administration.
- (E) Bond interest and amortization.
- (F) Total.

(2) Current budget as compared with last 3 years of expenditures in each of the following other categories:

- (A) Payroll.
- (B) Construction progress payments.
- (C) Personal service contracts.
- (D) Motor vehicles and heavy equipment purchases.
- (E) Materials.
- (F) Office equipment and supplies.
- (G) Bond interest and amortization.
- (H) All other expenses.
- (I) Total.

(b) Quarterly financial status reports for the most recently completed quarter to be filed within 30 days after the close of the quarter. The first report shall be due on or before October 15, 1990. The quarterly reports shall evidence:

(1) Budget item report in dollars spent to date and percent of annual budget spent.

(2) Federal-aid obligation schedule which shall be the dollars obligated to date as compared to mandated obligation ceiling.

(3) Highway fund revenue to date as compared to projection.

(4) Turnpike fund revenue to date as compared to projection.

(5) Current fiscal year month-end cash-on-hand compared with previous year for:

- (A) Highway fund.
- (B) Turnpike fund.

(6) Bonded indebtedness under the:

- (A) Highway fund.
- (B) Turnpike fund.

(7) Future amortization schedule for:

- (A) Highway fund.
- (B) Turnpike fund.

32 Fees Lowered. Amend RSA 236:72, I, II, and III to read as follows:

I. For sign faces of 50 square feet or less, [\$50] **\$10**.

II. For sign faces of more than 50 square feet but less than 350 square feet, [\$75] **\$20**.

III. For sign faces of 350 square feet or more, [\$100] **\$40**. All fees collected hereunder shall be deposited in the highway fund.

33 Fees Increased. Amend RSA 236:72, I, II, and III to read as follows:

I. For sign faces of 50 square feet or less, [\$10] \$50.

II. For sign faces of more than 50 square feet but less than 350 square feet, [\$20] \$75.

III. For sign faces of 350 square feet or more, [\$40] \$100. All fees collected hereunder shall be deposited in the highway fund.

34 Effective Date.

I. Section 25 shall take effect 5 days after its passage.

II. Section 33 shall take effect July 1, 1990.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill inserts a budget footnote which allows the public works bureau of the department of transportation to expend revenues in excess of its budget estimate, with the prior consent of the fiscal committee and the approval of the governor and council.

This bill extends, to June 30, 1991, certain appropriations made to the department of resources and economic development, the department of fish and game, and the department of transportation.

The bill also increases the maximum amount of funds, which may be available for winter ski operations at Mount Sunapee and Cannon Mountain, from \$200,000 to \$400,000 each fiscal year.

The bill levies a gasoline floor tax of 2 cents per gallon on distributors, wholesalers, and retailers beginning 5 working days after passage of the bill. The bill also appropriates 88 percent of the additional \$.04 per gallon road toll, to the department of transportation for expenditure in counties for highway construction, reconstruction, and resurfacing, and for bridge maintenance, on class I, II, and III highways.

The bill makes adjustments to certain capital projects' bond authorization.

The bill also allows the port authority to make business arrangements with foreign countries and their port entities.

This bill requires the commissioner of the department of transportation

to develop a reporting program to enhance the legislature's knowledge and oversight of the 10-year highway construction and reconstruction plan.

The bill lowers certain fees that were raised earlier in the 1990 legislative session to the levels the fees were at before the increases. The increases are to be reinstated July 1, 1990.

Amendment adopted. Ordered to Third Reading.

Senator Johnson wished to be recorded at opposed to the motion.

HB 1231-FN, relative to the 10-year state highway plan and the governor's advisory commission on highways.

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: We will have an amendment passed out. There is a correction being made to the committee amendment that appears on page 22. The only change in the floor amendment is to correct the deletion of Route 51 as it was printed in the calendar and the bill as amended provides that the Federal and State matching funds shall be set aside as the construction requirements of Route 101 and 51. It directs the Department of Transportation to implement as the highest priority, the projects on 101 and 51, as it has been for some time. It further directs the commissioner to use as many of his staff and consultants that he deems necessary to begin the environmental impact study and complete the same within 12 months. This may not be accomplished in that time but the amendment further states that upon acceptance of the environmental impact statement and receipt of the necessary permits, the Department shall immediately begin each phase of the 10 year plan as applicable to the 101 and 51 projects. This, in effect, will protect those funds while the environmental impact study is being done.

SENATOR BOND: Senator Preston, does this bill, other than changing the priority of Route 101 construction within the ten year plan, in any way change the authority for implementation of the ten year plan?

SENATOR PRESTON: No, it does not Senator. If you have been reading about the 101 and 51 delays because the concerns about a small amount of acreage of wetlands, the Governor and Commissioner agreed to environmental impact study as recently as this week. We do not want to lose the funds. People are traveling down that highway now with their lights on. It's got the highest fatality accident rate of anywhere in this State. It will have no impact or change in any other highways in this State including Nashua.

SENATOR NELSON: Thank you, Senator Preston, I would like to ask you a few questions about this particular piece of legislation. It is my understanding from the question that Senator Bond asked you that this won't touch any other funding in the ten year highway plan?

SENATOR PRESTON: It's not to affect or change any of the priorities in the highway plan.

SENATOR NELSON: Thank you. This says in this particular piece of legislation on page 22 of the bill that the Department of Transportation shall implement as the highest priority the projects that are identified. I checked those out and it's suggesting to me that what's happening is those projects will be the highest things done in the State over and above any other project in the ten year plan.

SENATOR PRESTON: Well, this one highway Senator Nelson, has been the highest priority all the way along with the funds set aside. So it does not change those.

SENATOR NELSON: I have never seen this particular piece of legislation, although I sit on the Capital Budget. Sir, I feel like I need more than one more question. My question to you is not how safe or unsafe is 101, that is not the question, sir. The question is in this particular piece of legislation you are saying that all funds will stay in federal previously apportioned or transferred to the federal aid primary category for these projects. That is all money from all over the State from the feds and everywhere else. Could you please state what this bill is going to do.

SENATOR PRESTON: No. This relates particularly to those funds that were set aside for that particular project and we don't want to lose them because of the delay being required because of this environmental impact study, Senator. It just relates to those funds only.

SENATOR NELSON: Thank you, then could you explain to me why you have used the words "the highest priority" in the New Hampshire 101, why would you use the highest priority in that legislation?

SENATOR PRESTON: That's the Department of Transportation wording, that has been the highest priority all along. They completed the two lane highway from Manchester to Raymond already. The funds have been waiting, D.O.T. has been waiting to complete this, but the Corps of Engineers and E.P.A. have held it up because they have been demanding a study.

SENATOR NELSON: Thanks for clarifying this whole situation.

SENATOR PRESTON: But I want you to know, Senator, we would never do anything to have a negative impact on Nashua or on any other area of the State.

SENATOR NELSON: I would like to make it perfectly clear to this wonderful body who has been most kind and generous over the last four years, of my particular stay in the Senate. This has nothing to do with Nashua. I only raised the issue because it affects the whole State, not Nashua, believe it or not. Thank you.

SENATOR DUPONT: I rise with a message. I think that while it is not directed specifically at Senator Nelson, I think it is a message that we ought to have out here today. For this body, this is really the last day. We have a document that we can send a message, hopefully, to the federal authorities about Route 101, the significance of Route 101 and the expansion of the sea coast. What we are trying to say loud and clear is that this is a priority. It's a project that needs to go forward for the good of the State of New Hampshire and basically the language in this bill specifically specifies what we are trying to do and how important it is to the State.

SENATOR MCLANE: Senator Dupont, you say that this has been held up by the EPA and by environmental groups. I am under the impression that there has been a accommodation amidst those groups and that when the environmental impact study is finished that there is good hope that this will go forward fairly swiftly. Are you under that impression as well?

SENATOR DUPONT: Senator, I think based on the fatality record for that stretch of the road, if we started today, it would be too late in terms of protecting human lives. Understanding there are environmental concerns that need to be addressed, it is my hope and the hope of many of the people in this body that when you talk about as soon as possible that does mean yes, we want the road to go ahead and we hope that all the groups that are out there demonstrating a concern for both sides would sit down and work to get this wrapped up as soon as possible so the road can be built.

SENATOR MCLANE: I guess that did not answer my questions. So can I try it again? The question is not whether they want to, the question is whether these groups have not gotten together and whether there is real hope that this will be going forward because I was under that impression?

SENATOR DUPONT: Senator, it is my understanding the process is moving forward with the participation of all the groups that have concerns.

SENATOR BARTLETT: Senator, if the chair may indulge itself, if all the groups had gone along with the program the EIS would not have been necessary.

Amendment to HB 1231-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the priority of projects on
New Hampshire Route 101.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; New Hampshire Route 101. Amend 1986, 203 by inserting after section 7 the following new section:

203:7-a New Hampshire Route 101. The commissioner of the department of transportation shall implement as highest priority the projects on New Hampshire Route 101 as identified in 1986, 203:4, I(g) 5, 6, 7, and 9 and is hereby directed, notwithstanding any other law to the contrary, to do the following:

I. Utilize state and federal funds previously apportioned or transferred to the federal aid primary category for these projects.

II. Allocate new federal fiscal year apportionments to these projects in each ensuing federal fiscal year to reserve and provide for any additional federal or state requirements to meet the estimated, revised, and/or approved expanded construction costs.

III. Encumber in each state fiscal year until construction is completed the department of transportation allocation from the federal obligational authority, sums in a sufficient amount to carry out all preliminary cost requirements and construction costs applicable to these projects.

IV. The federal obligational authority to expend federal funds encumbered in paragraph III shall not be transferred or authorized to be expended for any other purpose without specific legislation by the general court.

V. The commissioner shall, upon the effective date of this section, direct as many of his staff and consultants as he deems necessary to immediately begin an environmental impact study of these New Hampshire Route 101 projects and shall complete the same on or before 12 months from the effective date of this section.

VI. Upon satisfactory acceptance of the environmental impact statement and receipt of the necessary permits, the department shall immediately begin each phase of the 10-year construction plan applicable to these projects.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the department of transportation to implement as the highest priority the projects on New Hampshire Route 101.

All federal funds available in each year shall be allocated to the Route 101 projects, as may be necessary to cover the costs for that year of construction, until the construction is completed.

The department shall conduct and complete the environmental impact study with staff and consultants within 12 months of the effective date of this bill.

Upon completion and acceptance of the environmental impact statement, the department shall commence work on the Route 101 projects.

Amendment adopted.

Senator Torr offered a floor amendment.

SENATOR TORR: The floor amendment before you basically corrects the language. It indicated 101 on the original amendment, it should be 101/51. If you stop at 101, you do not complete the project.

SENATOR NELSON: This is an amendment?

SENATOR TORR: Actually it is a corrected amendment. The original intent when it left the committee was that it would state what you have before you. Somehow during the process, it got mistyped or something of that nature. Therefore you had an incorrect copy in the calendar, today.

SENATOR NELSON: Let me ask you this question and show you why I wasn't confused even though I gave the appearance of confusion. Because the amendment analysis says all federal funds available in each year shall be allocated to the Route 101 project that may be necessary to cover the cost. Can you get why I was beginning to believe all the federal money coming into the State is going to be put into that project first and then when that's done it will go to other projects like Manchester or the North Country?

SENATOR TORR: To answer your first question, Senator Nelson, you are never confused. To your second question, the fact is, federal funds allocated for that project are first priority. What this means is so they don't slip away to other projects.

SENATOR NELSON: Slip away from?

SENATOR TORR: From 101 to the circumferential highway in Nashua and there some good projects within the State of New Hampshire.

Floor Amendment to HB 1231-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the priority of projects on New Hampshire
Routes 101 and 51.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; New Hampshire Routes 101 and 51. Amend 1986, 203 by inserting after section 7 the following new section:

203:7-a New Hampshire Routes 101 and 51. The commissioner of the department of transportation shall implement as highest priority the projects on New Hampshire Route 101 and Route 51 as identified in 1986, 203:4, I(g) 5, 6, 7, 9 and 1986, 203:4, I(f)(1) and is hereby directed, notwithstanding any other law to the contrary, to do the following:

I. Utilize state and federal funds previously apportioned or transferred to the federal aid primary category for these projects.

II. Allocate new federal fiscal year apportionments to these projects in each ensuing federal fiscal year to reserve and provide for any additional federal or state requirements to meet the estimated, revised, and/or approved expanded construction costs.

III. Encumber in each state fiscal year until construction is completed the department of transportation allocation from the federal obligational authority, sums in a sufficient amount to carry out all preliminary cost requirements and construction costs applicable to these projects.

IV. The federal obligational authority to expend federal funds encumbered in paragraph III shall not be transferred or authorized to be expended for any other purpose without specific legislation by the general court.

V. The commissioner shall, upon the effective date of this section, direct as many of his staff and consultants as he deems necessary to immediately begin an environmental impact study of these New Hampshire Routes 101 and 51 projects and shall complete the same on or before 12 months from the effective date of this section.

VI. Upon satisfactory acceptance of the environmental impact statement and receipt of the necessary permits, the department shall immediately begin each phase of the 10-year construction plan applicable to these projects.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill directs the department of transportation to implement as the highest priority the projects on New Hampshire Routes 101 and 51.

All federal funds available in each year shall be allocated to the Route 101 projects, as may be necessary to cover the costs for that year of construction, until the construction is completed.

The department shall conduct and complete the environmental impact study with staff and consultants within 12 months of the effective date of this bill.

Upon completion and acceptance of the environmental impact statement, the department shall commence work on the Routes 101 and 51 projects.

Amendment adopted. Ordered to Third Reading.

HOUSE MESSAGE

HOUSE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled bill:

SB 328, restricting the use of power boats on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany to the town of Sandwich.

Conferees for the House are: Representatives Golden, Allard, Baldizar and Daneault.

SB 359, relative to modifying planning board procedures on plats.

Conferees for the House are: Representatives Metzger, Wadsworth, Dykstra and Baldizar

COMMITTEE REPORTS

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor.

Ought To Pass With Amendment. Senator Hough for the committee.

SENATOR HOUGH: The Committee on Finance agrees with the policy committee in regards to this bill. The amendment that you will find in the calendar on page 6 merely addresses a situation relative to shared jobs among teachers and maintains the present teachers in shared jobs positions which are for creditable service. However, future arrangements for shared jobs will be handled consistent in the New Hampshire Retirement system that's all the finance committee amendment does.

Amendment to HB 139-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to creditable service for teachers who job share, and
relative to mediation of special education disputes and
to individualized education plans and making
an appropriation therefor.

Amend the bill by replacing all after section 4 with the following:
5 Teacher Redefined. Amend RSA 100-A:1, VI to read as follows:

VI. "Teacher" shall mean any regular or special teacher; principal, supervisor or administrator; librarian or other member of the teaching or professional staff engaged in the service of the public elementary and secondary schools located within the state and supported by and under the control of the state, the local school district, or other employers of teachers eligible for membership in the system. **For teachers who job share, teacher shall mean 2 individuals who share one position.**

6 New Paragraph; Creditable Service for Job Sharing. Amend RSA 100-A:4 by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding any provision of paragraph III to the contrary, any teacher in service during or after the 1990-91 school year who shares a job-sharing position with another teacher shall be eligible for membership in the retirement system and shall receive credit for 1/2 of the period of job-sharing service at the full rate of pay for the teaching position. In the case of any currently active or retired teacher who shared a job-sharing teaching position with another teacher during any period before July 1, 1990, and who was in appropriately enrolled for retirement purposes and who has received service credit for the full period of such job-sharing service, creditable service rendered through June 30, 1990, shall not be recalculated to conform with the provisions of this paragraph but shall remain in effect as it was granted.

7 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill establishes mediation procedures within the department of education for informal resolutions of disputes between parents and local education agencies regarding special education programs, placements and evaluations.

The bill appropriates funds for the purpose of implementing these mediation procedures.

The bill makes appropriations for purposes of funding court-ordered special education placements nonlapsing.

This bill permits teachers who job share to receive credit for retirement purposes for 1/2 of the period of job-sharing service at the

full rate of pay received for the teaching position. The bill applies to teachers teaching during or after the 1990-91 school year and to teachers retired after June 30, 1990.

The bill also states that each currently active teacher who job shares, and each currently retired teacher retired as of June 30, 1990, who shared a job sharing teaching position with another teacher, who was inappropriately enrolled for retirement purposes and received service credit for the full period of job sharing, shall not have his creditable service rendered through June 30, 1990, recalculated by his employer. Such creditable service shall remain in effect as it was granted as of June 30, 1990.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1182-FN**, **HB 1231-FN**, and **HB 139-FN-A** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, increasing the gasoline tax, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, requiring progress and status reports from the department of transportation and altering the effective dates of certain fee increases.

HB 1231-FN, relative to the priority of projects on New Hampshire Routes 101 and 51.

HB 139-FN-A, relative to creditable service for teachers who job share, and relative to mediation of special education disputes and to individualized education plans and making an appropriation therefor.

COMMITTEE REPORTS

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control.

Ought To Pass With Amendment. Senator Torr for the committee.

SENATOR TORR: HB 149-FN establishes a new PAU in the operating budget, in the water supply program operation permits. This PAU will be funded by operational permits included in this bill. The estimated revenue will be \$496,000 annual and the excess revenue estimated for the fiscal year 1991, is approximately \$166,000, which would lapse in the general fund. The bill establishes seven new positions that are subject to prior approval of the fiscal committee before they are filled. Their approval and the footnote (I) on the estimated source of funds insures that there will be no charge against the general fund as the footnote (I) requires that they must raise the funds to be spent from their own categories.

SENATOR JOHNSON: Senator Torr, help me understand why we would be adding seven permanent classified positions in state government at a time when we are laying off and doing a lot things to reduce the work force?

SENATOR TORR: Basically, this is a spin off from the Clean Water Act and something that is really required by the Water Supply Department. It will all be self-sustaining as result of permit fees which will raise the revenue to pay for these employees and these employees, prior to being hired, would have to be approved by the fiscal committee.

SENATOR JOHNSON: So this does not represent a charge against the general fund then?

SENATOR TORR: That's right.

Amendment to HB 149-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to operational permits for public water systems,
relative to classified positions in the division
of water supply and pollution control,
and creating a new PAU.

Amend RSA 485:41, VIII as inserted by section 4 of the bill by replacing it with the following:

VIII. Adopt a fee system for the issuance of an operational permit for public water systems subject to this chapter. The division shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems per 3-year period shall be \$1,800 for all systems serving more than 100 people and \$900 for all systems serv-

ing 100 or fewer people. The fee category for nontransient and non-community systems shall be \$600 per 3-year period. All fees shall be paid to the division for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the salary, benefits and expenses for the permanent full-time employees in the division's water supply engineering bureau, operation permits section. Any revenues generated in excess of the costs of funding the water supply engineering bureau, operation permits section, shall lapse to the general fund at the close of each fiscal year to be used to offset the future general fund appropriation for the water supply engineering bureau.

Amend the bill by replacing all after section 5 with the following:

6 New PAU; Appropriation.

I. Amend 1989, 365:1, as amended by 1990, 1:1 by inserting after PAU 03, 04, 03, 04, 02 the following new PAU:

03 Resource protection and development

04 Department of environmental services

03 Division of water pollution

04 Water supply programs

03 Operation permits

	FY 90	FY 91
10 Personnel services - permanent*	\$ 64,408	\$193,224
20 Current expenses	9,000	27,500
30 Equipment	13,500	23,500
50 Personnel services - other	5,000	10,000
60 Benefits	6,846	54,539
70 In-state travel	5,000	15,000
80 Out-of-state travel	2,000	6,500
Total	115,754	330,263
Estimated source of funds for operation permits		
09 Agency income I	115,754	330,263

*The department of environmental services may, with prior approval of the fiscal committee, establish the following new permanent full-time classified employees in the division of water supply and pollution control, water supply engineering bureau, operation permits section: one administrator IV; one civil engineer VI; one environmentalist IV; two environmentalists III; one administrative secretary supervisor; one word processor II;

II. The legislative budget assistant is authorized to adjust all totals as made necessary by the passage of section 6 of this act.

7 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill is a request of the division of water supply and pollution control.

This bill provides authority for the division to grant operational permits for public water systems, and sets a fee category for community and noncommunity systems. The bill grants rulemaking authority to establish the application process for the issuance of operational permits.

The bill adds 7 permanent classified positions to the division's engineering bureau, operation permits section.

The bill adds a statement of purpose to RSA 485 relative to the need to provide a comprehensive drinking water protection program.

The bill also creates a new PAU in the 1990-1991 operating budget for the division's water supply programs, operation permits section. The bill authorizes the expenditure of moneys received from the permit fees.

Amendment adopted. Ordered to Third Reading.

HB 430-FN, relative to certification for real estate appraisers and making an appropriation therefor.

Ought To Pass With Amendment. Senator Blaisdell for the committee.

SENATOR BLAISDELL: HB 430-FN was sent to Finance to allow time to make additional changes. As you know, the bill is the result of a federal mandate that real estate appraisers are to be certified for certain federally related transactions. The major change in Finance was the makeup of the board and other technical changes regarding definitions, effective dates, and statutory consistency. The board now has seven members, three of whom are appraisers, one banker, the banking commissioner, one broker, and one member of the public. I have an amendment on the desk and I would appreciate, Mr. President, if we could pass the bill. Then I will address the amendment, if you would like sir.

SENATOR JOHNSON: I was originally going to offer a floor amendment to speak to the issue that I am now speaking to, but in the light of a couple of circumstances, one of which is the effective date of this isn't until next July. I think it gives some time for this to go ahead and settle down and then determine if it needs changing. However, I think the Senate ought to understand what's being, in effect, foisted upon us as result of a so called federal mandate. I know that there are people in this body, Senator Heath in particular, who get irate about the federal mandates. The mandate that I am talking about does not make any sense and the people who are speaking to it are agreeing that it does not make any sense. So the

question is, why do we continue to do that? I am looking specifically at 12-3-10b;a - examination prerequisite, and it talks about completing fifteen classroom hours of instruction related to standards of professional practice having to do with appraisal work and in addition, one of these two choices. Choice (A) is attaining a Bachelors of Arts degree, Bachelors of Science degree, Associates Degree or a college equivalence certification. If you look, comparing (A) that's inherently absurd by itself to suggest that a bachelors degree is the equivalent of an associates degree. That does not make any sense and then the part that really does not make any sense is that you can qualify under the degree requirement and that degree requirement could be an associates degree in Culinary Arts offered up in Berlin or 150 classroom hours of courses in subjects related to real estate appraisal. Can you imagine an either/or situation that is as absurd as that? I can't believe that people came up with that. This is a federal mandate. But in the light of the fact it does not take effect until next July, I'm going to at least point out what I think is an absurdity and maybe in January of next year someone will take care of it.

Amendment to HB 430-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Real Estate Appraiser Board. Amend RSA 5 by inserting after section 13-a the following new section:

5:13-b Real Estate Appraiser Board. The real estate appraiser board established under RSA 310-B shall be administratively attached, under RSA 21-G:10, to the department of state.

2 New Subparagraph; Fees. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) The fees collected under RSA 310-B, which shall be credited, appropriated and disbursed as provided under RSA 310-B.

3 New Chapter; State Certified Real Estate Appraisers. Amend RSA by inserting after chapter 310-A the following new chapter:

CHAPTER 310-B

STATE CERTIFIED REAL ESTATE APPRAISERS

310-B:1 Purpose. The purpose of this chapter is to bring New Hampshire into compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The federal act's purpose is to protect federal financial and public policy interests in real estate related transactions by requiring that real estate appraisals used in connection with federally-related transactions are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision.

310-B:2 Definitions. In this chapter:

I. "Analysis" means a study of real estate or real property other than estimating value.

II. "Appraisal" or "real estate appraisal" means a written statement independently and impartially prepared by a certified appraiser, and used in connection with a federally-related transaction under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

III. "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility or specified interests in, or aspects of, identified real estate.

IV. "Appraisal Foundation" means the Appraisal Foundation incorporated as an Illinois nonprofit corporation on November 30, 1987. The purposes of the Appraisal Foundation are:

(a) To establish and improve uniform appraisal standards by defining, issuing and promoting such standards.

(b) To establish appropriate criteria for the certification and recertification of qualified appraisers by defining, issuing and promoting such qualification criteria; and to disseminate such qualification criteria to states, governmental entities and others.

(c) To develop or assist in the development of appropriate examinations for qualified appraisers.

V. "Appraisal report" means any communication of a written appraisal.

VI. "Board" means the real estate appraiser board established pursuant to the provisions of this chapter.

VII. "Certified appraisal or certified appraisal report" means a written appraisal or appraisal report signed by a state certified real estate appraiser. The certified real estate appraiser must indicate in the report which type of certification is held. An appraisal signed by a certified appraiser represents to the public that the appraisal meets the appraisal standards defined in this chapter.

VIII. "Certified real estate appraiser" or "certified appraiser" means a New Hampshire state certified appraiser who develops and communicates real estate appraisals and who holds a valid certificate issued for either general or residential real estate appraising under the provisions of this chapter.

IX. "Federally related transaction" means any transaction involving:

(a) A federal financial institution's regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates; and

(b) Requires the services of an appraiser.

X. "Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporations, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.

XI. "Financial institution" means an insured depository institution as defined in section 1813 of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 or an insured credit union as defined in section 1752 of such Title.

XII. "Real estate" means an identified parcel or tract of land, including improvements, if any.

XIII. "Real estate related financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in or exchange of real property, including interests in property, or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

XIV. "Real property" means one or more defined interests, benefits, and rights inherent in the ownership of real estate.

XV. "Valuation" means an estimate of the value of real estate or real property.

310-B:3 Certification Use.

I. No person, other than a certified real estate appraiser, shall assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified pursuant to this chapter shall not describe or refer to any appraisal or other evaluation or real estate located in this state by the term "certified".

II. Paragraph I shall not preclude a person who is not certified as a real estate appraiser from appraising real estate for non-federally related transactions for compensation.

310-B:4 Real Estate Appraiser Board.

I. There is hereby established an independent real estate appraiser board which shall be administratively attached to the department of state. The board shall consist of the following 7 members: 3 real estate appraisers with a minimum of 5 years' experience, one representative from a New Hampshire lending institution, the banking commissioner or designee, one real estate broker licensed under RSA 331-A, and one member of the general public

not associated directly or indirectly with banking, brokerage, real estate appraisal, insurance, or any other affected industry. All members shall be appointed by the governor with the consent of council.

II. All appointments shall be made within 90 days after the effective date of this chapter.

III. On or before July 1, 1992, each real estate appraiser member of the board shall be certified as a certified real estate appraiser under this chapter. One such member shall hold the residential appraiser certificate.

IV. The term of each member shall be 3 years, except that, of the members first appointed, 3 shall serve for 3 years, 2 shall serve for 2 years, and 2 shall serve for one year.

V. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. No person, except the commissioners or their designees, shall serve as a member of the board for more than 2 consecutive terms. The appointing authority may remove a member for cause.

VI. The board shall meet at least once each calendar quarter to conduct its business and more often on call of the chair; or when the chair is requested to do so by 4 or more members of the board. The action of the majority of the members of the board present and voting shall be deemed the action of the board, and at least 5 members shall be present and voting on every vote of the board. Places of future meetings shall be decided by the vote of members at meetings or, in the event of a special meeting, by the chair. Written notice shall be given by the chair to each member of the time and place of each meeting of the board at least 10 days in advance.

VII. The chairman of the board shall be elected from the board's members. Neither the banking commissioner nor his designee shall serve as chairman.

VIII. No board member shall be entitled to a per diem allowance. Board members shall be reimbursed for actual travel in the performance of official duties at the usual state employee rate.

IX. The members of the board shall be immune from any civil action or criminal prosecution for actions taken in their capacity as members of the board, provided that such action is taken in good faith and in the reasonable belief that the action was taken pursuant to the powers and duties of the board under this chapter.

310-B:5 Certification Process.

I. Applications for original certification, renewal certification and examinations shall be made in writing to the board on forms approved by the board.

II. Appropriate fees, as fixed by the board under rules established pursuant to RSA 541-A, shall accompany all applications for

original certification, renewal certification, and examination. An annual federal registration fee shall be collected by the board for transmittal to the federal government under Title XI.

III. At the time of filing an application for certification, each applicant shall sign a pledge to comply with the standards set forth in this chapter and state that he understands the types of misconduct for which disciplinary proceedings may be initiated against a certified real estate appraiser, as set forth in this chapter.

310-B:6 Classes of Certification.

I. There shall be 2 classes of certification for certified real estate appraisers:

(a) The certified residential real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of one to 4 unit, single family residential real property when a net income capitalization analysis is not required by the terms of the assignment.

(b) The certified general real estate appraiser classification shall consist of those persons meeting the requirements for certification relating to the appraisal of all types of real property.

II. The application for original certification, renewal certification, and examination shall specify the classification of certification being applied for or previously granted.

310-B:7 Examination Requirements. An original certification as a certified real estate appraiser may be issued to any person who has demonstrated through a written examination process that he meets the minimum requirements of the Appraisal Foundation, as follows:

I. Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate.

II. Understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines.

III. Understanding the uniform standards of professional appraisal practice, as adopted by the board.

IV. Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of certificate for which the applicant applied.

V. Knowledge of other principles and procedures as may be appropriate for the respective classifications.

VI. Basic understanding of real estate law.

VII. Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a certified real estate appraiser, as set forth in this chapter.

310-B:8 Examination Prerequisites.

I. As prerequisites to taking the examination for certification as a certified general real estate appraiser, an applicant shall present evidence, satisfactory to the board, of having completed at least 15 classroom hours of instruction related to standards of professional practice and the provisions of this chapter, in addition to:

(a) Attaining a bachelor of arts, bachelor of science, associate's degree, or a college equivalency certification; or

(b) Completing at least 150 classroom hours of courses in subjects related to real estate appraisal from an appraisal organization or other educational source approved by the board.

II. As prerequisites to taking the examination for certification as a certified residential real estate appraiser, an applicant shall present evidence, satisfactory to the board, of having completed at least 15 classroom hours of instruction related to standards of professional practice and the provisions of this chapter, in addition to:

(a) Attaining a bachelor of arts, bachelor of science, associate degree, or college equivalency certification; or

(b) Completing at least 60 classroom hours of courses in subjects related to real estate appraisal from an appraisal organization or other educational source approved by the board

310-B:9 Experience Requirements.

I. An applicant for original certification as a certified real estate appraiser shall possess the equivalent of 2 years' full-time experience in real property appraisal supported by written reports or file memoranda, in accordance with standards established by the Appraisal Foundation. Such experience shall be acquired within a period of 5 years immediately preceding the filing of the application for certification.

II. Each applicant for certification shall furnish under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the board for examination a sample of appraisal reports which the applicant has prepared in the course of his appraisal practice.

310-B:10 Term of Certification. The term of a certificate issued under the authority of this chapter shall be 3 years from the date of issuance. The expiration date of the certificate shall appear on the certificate and notice of its expiration shall be given to its holder.

310-B:11 Nonresident Certification.

I. Every nonresident applicant for certification under this chapter shall submit, with the application for certification, an irrevocable consent that service of process upon him may be made by delivery of the process to the secretary of state if, in an action against the appli-

cant in a court of this state arising out of the applicant's activities as a certified real estate appraiser; the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

II. A nonresident who has complied with paragraph I may obtain a certificate as a certified real estate appraiser by conforming to all of the provisions of this chapter relating to certified real estate appraisers.

310-B:12 Nonresident Certification by Reciprocity. If, in the determination by the board, another state grants reciprocity to residents of this state and is deemed to have substantially equivalent state certification requirements, equal to or exceeding those of this state, an applicant who is certified under the laws of such other state may obtain a certificate as a certified real estate appraiser in this state upon such terms and conditions as may be determined by the board.

310-B:13 Renewal of Certificate.

I.(a) To obtain a renewal certificate as a certified real estate appraiser, the holder of a current, valid certificate shall make application and pay the prescribed fee to the board not earlier than 120 days nor later than 30 days before the expiration date of the certificate then held. With the application for renewal, the certified real estate appraiser shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified in this chapter.

(b) If the board determines that an applicant has failed to meet the requirements for renewal of certification through mistake, misunderstanding, or circumstances beyond the control of the applicant, the board may extend the term of the certificate for a period not to exceed 6 months, upon payment by the applicant of a prescribed fee for the extension.

(c) If the applicant satisfies the requirements for renewal during the extended term of certification, the beginning date of the new renewal certificate shall be the day following the expiration of the certificate previously held by the applicant.

II. If a person fails to renew a certificate as a certified real estate appraiser prior to its expiration or within a period of extension granted by the board pursuant to this chapter, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and by the payment of a late renewal fee.

310-B:14 Continuing Education.

I. As a prerequisite to renewal of certification, a certified real estate appraiser shall present evidence satisfactory to the board of having met the continuing education requirements of this chapter.

II. The basic continuing education requirement for renewal of certification shall be the completion by the applicant, during the immediately preceding term of certification, of not less than 45 class-

room hours of instruction in courses or seminars which have received the approval of the board.

III. In lieu of meeting the requirements of paragraph II, an applicant for recertification may satisfy all or part of the requirements by presenting evidence of the following:

(a) Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses approved by the board under paragraph II.

(b) Participation other than as a student in educational processes and programs approved by the board which relate to real property appraisal theory, practices or techniques, including, but not necessarily limited to, teaching, program development and preparation of textbooks, monographs, articles, and other instructional materials.

IV. The board shall give favorable consideration to courses of instruction, seminars, and other real property appraisal educational courses or programs previously or hereafter developed by or under the auspices of professional appraisal organizations or other approved educational resources.

V. No amendment or repeal of a rule adopted by the board relative to this section shall operate to deprive a certified real estate appraiser of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the rule which would have qualified for continuing education credit under the rule as it existed prior to the repeal or amendment.

VI. Certification as a certified real estate appraiser that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for certified real estate appraiser as a condition to reinstatement of certification.

310-B:15 Principal Place of Business.

I. Each certified real estate appraiser shall advise the board of the address of his principal place of business and all other addresses at which he is currently engaged in the business of preparing real estate appraisal reports.

II. Whenever a certified real estate appraiser changes a place of business, he shall, within 10 days of such change, give written notification of the change to the board and apply for an amended certificate.

III. Every certified real estate appraiser shall notify the board of his current residence address. Residence addresses on file with the board are exempt from disclosure as public records.

310-B:16 Certificate.

I. A certificate issued under authority of this chapter shall bear the signatures of the members of the board and a certificate number assigned by the board.

II. Each certified real estate appraiser shall place his certificate number adjacent to or immediately below the title "New Hampshire State Certified Residential Real Estate Appraiser" or "New Hampshire State Certified General Real Estate Appraiser" when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real estate appraisal activities.

310-B:17 Use of Term.

I. The term "certified real estate appraiser" may only be used to refer to individuals who hold the certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

II. No certificate shall be issued under the provisions of this chapter to a corporation, partnership, firm or group. This shall not be construed to prevent a certified real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.

310-B:18 Disciplinary Proceedings. The board may revoke or suspend the certification of any certified real estate appraiser, in accordance with the provisions of this chapter, upon any of the grounds set forth in this section. The board may investigate the actions of a certified real estate appraiser, and may revoke or suspend the certificate of a certified real estate appraiser for any of the following acts or omissions:

I. Procuring or attempting to procure a certificate pursuant to this subdivision by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation.

II. Failing to meet the minimum qualifications established by this chapter.

III. Paying compensation, including money or any other thing of value, other than as provided for by this chapter, to any member of or employee of the board to procure a certificate under this chapter.

IV. A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to

the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others.

V. An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person.

VI. Violation of any of the standards for the development or communication of real estate appraisals as provided in this chapter.

VII. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal.

VIII. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal.

IX. Willfully disregarding or violating any of the provisions of this chapter or the rules adopted by the board for the administration and enforcement of this chapter.

X. Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment.

XI. Violating the confidential nature of governmental records to which he gained access through employment or engagement as an appraiser by a governmental agency.

310-B:19 Hearings. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints received by the board within 90 days after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted before at least 5 members of the board. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance. Orders of the board shall be subject to rehearing and appeal in the manner prescribed by RSA 541.

310-B:20 Fees. The board shall establish fees for examination of applicants, for certification and for renewal of certification under this chapter, and for transcribing and transferring records and other services. The fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating

expenses of the board for the previous fiscal year, and sufficient to provide for periodic payments to reimburse the general fund for money appropriated for the purposes of this chapter.

310-B:21 Receipts and Disbursements.

I. There shall be a board secretary who shall receive and account for all moneys derived under the provisions of this chapter. At least monthly, the receipts shall be turned over to the state treasurer, who shall keep such moneys in a separate fund to be known as the real estate appraisers fund. Such fund shall be kept separate and apart from all moneys in the treasury, and shall be disbursed only for purposes of this chapter. Under no circumstances shall the total amount of payments exceed the fees collected under this chapter.

II. The board shall reimburse the general fund for moneys appropriated for the purposes of this chapter as soon as such funds are available. A schedule for making periodic payments for reimbursement of advanced funds shall be acted upon at the board's first meeting.

III. Revenues in excess of budget estimates may be expended with the prior approval of the legislative fiscal committee and the governor and council.

310-B:22 Roster. A roster showing the names, classification and place of business of all real estate appraisers certified under this chapter, who have paid their annual federal registry fee to the board, shall be submitted annually with the moneys collected to the Appraisal Subcommittee, Federal Financial Institutions Examination Council (FFIEC) pursuant to Title XI. A copy of the roster shall be placed on file with the secretary of state.

310-B:23 Retention of Records.

I. A certified real estate appraiser shall retain for 5 years, all reports and supporting data assembled and formulated by the appraiser in preparing reports.

II. This 5-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such 5-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the 5-year period for the retention of records shall commence upon the date of the final disposition of such litigation.

III. All records required to be maintained under the provisions of this chapter shall be made available by the certified real estate appraiser for inspection and copying by the board, upon a showing of good cause, on reasonable notice to the appraiser.

310-B:24 Rulemaking Authority. The board shall adopt rules pursuant to RSA 541-A, relative to:

I. The application procedure for any certificate issued under this chapter:

II. Design and content of all forms required under this chapter.

III. How an applicant shall be examined.

IV. How a certificate shall be renewed.

V. Ethical standards required to be met by each holder of a certificate issued under this chapter and how such certificate may be revoked for violation of these standards.

VI. Establishing all fees required under this chapter, subject to RSA 332-G.

VII. Standards for appraisal education programs and the issuance of evidence indicating satisfactory completion of such program.

VIII. Procedures for the conduct of hearings consistent with the requirements of RSA 541-A.

IX. The procedure of any other matter related to the proper administration of this chapter.

310-B:25 Separability. If any provisions of this chapter or the application thereof to any person or in any circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

4 Report. The board established under RSA 310-B:4 shall report on the status of its operations, to include the number of certifications issued, moneys collected and the board's proposed schedule for repayment of general funds appropriated by section 5 of this act, to the governor, senate president and speaker of the house on or before January 1, 1992.

5 Appropriation. The sum of \$40,000 is hereby appropriated to the real estate appraiser board for the biennium ending June 30, 1991, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date.

I. RSA 310-B:4 and RSA 310-B:24 as inserted by section 3 of this act and section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1991.

Amendment adopted.

Senator Blaisdell offered a floor amendment.

SENATOR BLAISDELL: As I said, there were going to have to be some last minute changes. This floor amendment here, the date by which the board member must be certified, should be July 1, 1991, not 1992. There is only one commissioner now, so that must be re-

flected, and finally the effective date should be upon passage for sections 1, 2, 3, 5. I would like to respond a little bit to Senator Johnson, when you talk about 3-10-B:8, I would agree with most of the things that he had said, but this bill does comply with federal guidelines and still you have to complete 15 classroom hours of instruction related to standards of professional practice. You must have two years full-time experience in real estate appraisal work supported by written reports of filed memoranda and I guess the most important thing is that you have to pass the test. I think I take Senator Johnson comments, we spent a couple of hours yesterday afternoon, I appreciate his courtesy. I think, Senator Johnson, we addressed most of it. I would appreciate the passage of the amendment.

SENATOR DISNARD: Senator Blaisdell, I remember I think very distinctly when this was in the Executive Committee, we had a grandfathering clause and now I don't notice the grandfather clause. Could you tell me where it flew to?

SENATOR BLAISDELL: What's that again.

SENATOR DISNARD: I notice we do not have a grandfather clause, I was under the opinion that we did have one!

SENATOR BLAISDELL: Which committee did it go to.

SENATOR DISNARD: Do you agree it's fair to the present appraisers that it is not fair to have a grandfather clause?

SENATOR BLAISDELL: You know it and I know it, Senator. The federal law does not require it, I am sorry but the federal law does not require it.

SENATOR BASS: Senator Blaisdell, I did not have time to review the amendment here, but can you tell me sections 1, 2, 3, 5 take effect immediately and the rest of the bill takes effect in a year and a half or so. What is just ... what do sections 1, 2, 3, 5, do that what is the remainder of the bill that's left over doesn't. Vice a versa whatever way you want it.

SENATOR BLAISDELL: I cannot hear you.

SENATOR BASS: Senator, can you just tell me what section 1, 2, 3, 5 do to be effective immediately, what is the rest of the act?

Floor Amendment to HB 430-FN

Amend RSA 310-B:4, III as inserted by section 3 of the bill by replacing it with the following:

III. On or before July 1, 1991, each real estate appraiser member of the board shall be certified as a certified real estate appraiser under this chapter. One such member shall hold the residential appraiser certificate.

Amend RSA 310-B:4, V as inserted by section 3 of the bill by replacing it with the following:

V. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. No person, except the commissioner or designee, shall serve as a member of the board for more than 2 consecutive terms. The appointing authority may remove a member for cause.

Amend section 6 of the bill by replacing it with the following:

6 Effective Date.

I. Sections 1, 2, 3, and 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1991.

Amendment adopted. Ordered to Third Reading.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor.

Ought To Pass With Amendment. Senator Dupont for the committee.

SENATOR DUPONT: You will look at the amendment in the calendar on HB 1070-FN-A, basically as a result of a fairly significant study that's going on in State government looking at our present computer operations. This amendment basically provides for a holding pattern for the Division of Administrative Services. Their D.I.S. division, which is information services, are not to go ahead and spend money to acquire, lease or any other type operation over there until such time as information is in the hands of the legislature.

Amendment to HB 1070-FN-A

Amend the bill by replacing section 5 with the following:

5 Limitation on Purchase of Computer Equipment by Department of Administrative Services. Other provisions of law notwithstanding, for the biennium ending June 30, 1991, other than for purposes of maintaining current operational levels, including projects currently approved by 1990, 1 (HB 1500-FN-A) or other special act, the division of information services, department of administrative services, shall not acquire by purchase, lease, or other method any computer hardware or software that will modify or change current operations or applications for data entry, processing of data, or report generation. After the completion of the study authorized by

1989, 408:89 and 408:91, the committee may recommend, for introduction at the next session of the legislature, legislation to implement any or all of the report recommendations.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the termination date of the study committee from February 1, 1990, to June 30, 1991. The bill also makes a supplemental appropriation of \$115,000 to the study committee for fiscal year 1990, adds a new duty to the charge of the study committee, requires that public notice be given of the committee's meetings, and provides that the minutes of the committee's meetings shall be available for public inspection. The appropriation is funded by a transfer of moneys from the department of health and human services data management account to the department of administrative services special disbursements account. As part of the appropriation and transfer, the department of administrative services is directed to reduce the general funds appropriated to the division of information services for fiscal year 1990 by \$115,000.

The bill also prohibits the division of information services, department of administrative services, from acquiring, for the biennium, any computer hardware or software that will modify or change current operations or applications for data entry, processing of data, or report generation, other than for the purpose of maintaining current operational levels and current projects.

Amendment adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: When the amendment was drafted, we left out a word and the word is "disposed", and basically it is important because if the existing equipment was disposed of, obviously they would have a need to acquire. Basically the amendment just adds in the word "disposed".

Floor Amendment to HB 1070-FN-A

Amend the bill by replacing section 5 with the following:

5 Limitation on Acquisition or Disposal of Computer Equipment by Department of Administrative Services. Other provisions of law notwithstanding, for the biennium ending June 30, 1991, other than for purposes of maintaining current operational levels, including projects currently approved by 1990, 1 (HB 1500-FN-A) or other special act, the division of information services, department of administrative services, shall not acquire by purchase, lease, or other

method, and shall not dispose of by any method, any computer hardware or software that will modify or change current operations or applications for data entry, processing of data, or report generation. After the completion of the study authorized by 1989, 408:89 and 408:91, the committee may recommend, for introduction at the next session of the legislature, legislation to implement any or all of the report recommendations.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the termination date of the study committee from February 1, 1990, to June 30, 1991. The bill also makes a supplemental appropriation of \$115,000 to the study committee for fiscal year 1990, adds a new duty to the charge of the study committee, requires that public notice be given of the committee's meetings, and provides that the minutes of the committee's meetings shall be available for public inspection. The appropriation is funded by a transfer of moneys from the department of health and human services data management account to the department of administrative services special disbursements account. As part of the appropriation and transfer, the department of administrative services is directed to reduce the general funds appropriated to the division of information services for fiscal year 1990 by \$115,000.

The bill also prohibits the division of information services, department of administrative services, from acquiring or disposing of, for the biennium, any computer hardware or software that will modify or change current operations or applications for data entry, processing of data, or report generation, other than for the purpose of maintaining current operational levels and current projects.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 149**, **HB 430**, **HB 1070** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 149, relative to operational permits for public water systems, relative to classified positions in the division of water supply and pollution control, and creating a new PAU.

HB 430, relative to certification for real estate appraisers and making an appropriation therefor.

HB 1070, relative to the data processing and computer management study committee and making an appropriation therefor.

COMMITTEE REPORTS

HB 1083, establishing speed limits for the operation of OHRVs and increasing OHRV registration fees.

Ought To Pass With Amendment. Senator Blaisdell for the committee.

SENATOR BLAISDELL: This bill here caused some controversy when it was brought on to the floor of the Senate. We reconsidered it, sent it back down to Finance and we clarified the position of the Fish and Game Department. We didn't take the \$50,000 dollars away from them. This bill as amended clarifies the \$5.00 increase shall be distributed in its entirety for equipment and not for operations or maintenance. This is what the snowmobile clubs throughout the State really want. We feel since it is their money, they should spend it like they want. The distribution remains the same as in current legislation. I want to say that we called on the House Committee to sit with us along with Senator King and I want to defer to Senator King right now. I think they did an excellent job of putting this all together and saving some real problems with this bill. So if I may, Mr. President, I defer to Senator King.

SENATOR KING: As Senator Blaisdell has said, he organized the meeting at which all the parties were invited and all participated and came to a mutual agreement about the wording of the amendment. Over the weekend the New Hampshire Snowmobile Association met and by a 2 to 1 margin adopted the language that is in this bill, adopted a resolution favoring the language that you see in this bill today.

SENATOR DISNARD: Senator King, under this amount of money that would be eligible for maintenance or for trail equipment, do the local clubs still have to match? That was the complaint in my area that had to match monies.

SENATOR KING: There is no change in the requirements for matching. Local clubs will still be required to match the funds in order to purchase equipment, but there will be more dollars available for the purchase of equipment.

SENATOR DISNARD: When you say the snowmobilers met, was that the Executive Board?

SENATOR KING: No, Senator Disnard, I would say there were about 450 or 550 in the hall where I was.

SENATOR JOHNSON: Senator King, the first bill increased the registration increased by \$5.00. \$4.00 plus \$5.00 that accounts for the \$9.00 is that correct?

SENATOR KING: That is correct.

SENATOR JOHNSON: If I had a state-wide leader in my district in the Snowmobile Association, would I now be in favor of this amendment.

SENATOR KING: Yes

Amendment to HB 1083

Amend the bill by replacing sections 7 and 8 with the following:

7 Grant-in-Aid Program. Amend RSA 215-A:23, V(a) to read as follows:

(a) The first [§4] **\$9** shall be appropriated to the department of resources and economic development for administration of the bureau, and shall be used by the bureau for its grant-in-aid program. These funds shall be kept in a separate account and shall not be used for any other purpose. **Of the \$9, \$3 shall be used for trail maintenance and construction and \$5 shall be used for the purpose of purchasing trail grooming equipment and trail maintenance equipment.** Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year. Grants-in-aid shall be granted to organized nonprofit OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grant-in-aid program shall be open to the general public. Notwithstanding the provisions of this subparagraph, a landowner who grants permission for a grant-in-aid trail to be located on his property shall retain the right to establish the inclusive dates during which OHRV operation shall be permitted. The private landowner shall also retain the right to post any grant-in-aid trail located on his property against trespass by any specific activity or specific type of OHRV. **The remaining \$1 from the amount collected from each individual registration fee shall be used by the bureau for the sole purpose of purchasing OHRV trail maintenance equipment.** These funds shall be kept in a separate account and shall not be used and shall be appropriated for this purpose. Any unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.

8 New Subparagraph; Continually Appropriated. Amend RSA 215-A:23, V by inserting after subparagraph (c) the following new subparagraph:

(d) All revenue generated in subparagraphs (a) and (b) shall be in addition to funds appropriated to the grant-in-aid program of the bureau of off highway recreational vehicles. Such revenue is hereby continually appropriated to the department of resources and economic development for the purposes of subparagraphs (a) and (b).

Amendment adopted. Ordered to Third Reading.

HB 1178-FN-A, relative to marital masters and making an appropriation therefor.

Ought To Pass With Amendment. Senator Hough for the committee.

SENATOR HOUGH: Senate Finance Committee agrees with the policy committee in regards to the marital masters. The amendment that you have in your book eliminates the appropriation of \$1.00 and allows for federal funds, private funds and donations to be received for the purposes of carrying out this act. I would ask that you would vote in favor of the committee amendment and then you will also be asked to handle a floor amendment that makes technical language corrections to the amendment. I move the adoption of the committee amendment.

Amendment to HB 1178-FN-A

Amend the bill by replacing all after section 1 with the following:

2 Estimated Federal Funds. Federal funding for the purpose of this act shall mean federal recovery for the total marital master program. If federal funds received under section 1 do not meet the amount of federal funds estimated, the provisions of RSA 124:14 shall apply. If, however, federal funds received exceed the amount estimated to fund the provisions of this act, the supreme court shall apply such funds to the marital master program.

3 Effective Date. This act shall take effect July 1, 1990.

Amendment adopted.

Senator Hough offered a floor amendment.

SENATOR HOUGH: I am assuming that the floor amendment is in your possession at this time. It only changes the language. There was a concern that the amendment that the Finance Committee drafted would put in jeopardy already received federal funds and this language is more clear and specific in that it says that additional

funds that come in would be used for the additional marital masters and not put in jeopardy presently receipted federal support. I move the floor amendment be adopted.

Floor Amendment to HB 1178-FN-A

Amend the bill by replacing section 2 with the following:

2 Estimated Federal Funds. If federal funds received under section 1 do not meet the amount of federal funds estimated, the provisions of RSA 124:14 shall apply. If, however, federal funds received exceed the amount estimated to fund the provisions of section 1 of this act, the supreme court shall apply such funds to the marital master program.

Amendment adopted. Ordered to Third Reading.

HB 1194-FN, relative to costs of court-ordered services for or placement of minors and children and relative to liability of expenses for minors and children.

Ought To Pass With Amendment. Senator Podles for the committee.

SENATOR PODLES: HB 1194-FN and the amendment is found on Page 20. It eliminates section 1-4 of the bill which requires DCYS to notify counties during court proceedings of placement. The only thing it maintains is section 5-8 and in that amended form provides that, if a parent who is responsible for reimbursing the county for services of a delinquent child is financially able to do so of but fails to, the county may apply to the court to put a lien on that person's personal property for the amount of reimbursement. So that it changes the jurisdiction from the Superior Court to the District Court but there is no appropriation on this bill. The committee recommends ought to pass with amendment.

Amendment to HB 1194-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to liability of expenses
for minors and children.

Amend the bill by deleting sections 1-4 and renumbering the original sections 5-8 to read as 1, 2, 3, and 4, respectively.

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes a change in the laws relative to liability for expenses and hearings on liability for delinquent children, abused or

neglected children, or children in need of services by providing that counties apply to the district court for a lien on the real or personal property of persons who fail to pay relevant reimbursements to the county. Current law provides that applications be made to the superior court.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1083, HB 1178, HB 1194** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1083, establishing speed limits for the operation of OHRVs and increasing OHRV registration fees.

HB 1178, relative to marital masters and making an appropriation therefor.

HB 1194, relative to liability of expenses for minors and children.

COMMITTEE REPORTS

HB 1229-FN, relative to organizational and personnel changes within the department of corrections.

Ought To Pass With Amendment. Senator Torr for the committee.

SENATOR TORR: HB 1229-FN establishes an unclassified position of warden at the women's prison, and eliminates a current position as unit manager. It also provides that the warden will serve a term of four years. A further provision is that the commissioner of corrections shall have no authority over the parole board regarding its budget, staff, or responsibility. It authorizes the court to order a person not competent to stand trial to remain in custody up to 90 days to be evaluated for involuntary admissions into the State Mental Health System. It restores two positions to the liquor commission, which there is money in the budget for; and also restores money to the workman's compensation fund for equipment, which the money is derived from workman's compensation fund.

Amendment to HB 1229-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the department of corrections, the parole board,
court-ordered commitments, the liquor commission,
and making an appropriation to the
department of labor.

Amend RSA 622:33-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The New Hampshire state prison for women shall be under the superintendence of a warden. The warden shall serve for a term of 4 years and shall be an unclassified employee qualified by education and experience.

Amend the bill by replacing all after section 4 with the following:

5 Parole Board. Amend RSA 651-A:24 to read as follows:

651-A:24 Administrative Attachment. The parole board shall be administratively attached to the department of corrections, **as set forth in RSA 21-G:10**. The department shall provide budgeting, recordkeeping, and related clerical assistance to the board. The commissioner shall have no administrative authority over the board, its executive assistant, [or its duties] **its staff, its budget, or its powers, duties, functions or responsibilities**.

6 New Section; Evaluation for Commitment. Amend RSA 135 by inserting after section 17 the following new section:

135:17-a Evaluation for Commitment.

I. After a determination by the superior or district court that a person is not competent to stand trial, the court may order the person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for appropriateness for involuntary admission into the state mental health services system, including the secure psychiatric unit, and to commence civil proceedings, if appropriate. If such a petition for involuntary commitment or other civil proceeding is filed within the 90-day period, the person shall remain in custody until such time as the probate court issues its ruling.

II. The court may order a person determined not to be competent to stand trial to submit to examinations by psychiatrists, designated by the state, for the purpose of evaluating appropriateness and completing the certificate for involuntary admission into the state mental health services system, including the secure psychiatric unit.

7 New Paragraph; Custody Prior to Hearing. Amend RSA 135-C:39, II and III to read as follows:

II. The client has been admitted for voluntary care and wishes to remain so; [or]

III. The person is already in the custody of the division due to his admission for treatment on an involuntary basis[.]; or

IV. The person is in custody in the criminal justice system pursuant to RSA 135:17-a, I.

8 Contingency. If SB 320-FN of the 1990 legislative session becomes law, sections 1 and 2 of SB 320-FN shall not take effect and sections 6 and 7 of this act shall take effect 60 days after its passage. If SB 320-FN does not become law, sections 6 and 7 of this act shall take effect 60 days after its passage.

9 Positions Reinstated. Amend 1990, 1:2, I by deleting from budget number 02-13-04-02-01 position numbers 13983 and 30480.

10 Appropriation. The sum of \$90,078 for the biennium ending June 30, 1991, is hereby appropriated to the department of labor, PAU 02, 12, 03, as follows:

	FY 1990	FY 1991
10 Personal services - permanent	\$ 7,852	\$42,875
30 Equipment	25,413	0
60 Benefits	2,006	11,932
Total	\$35,271	\$54,807

This appropriation is in addition to any other funds appropriated to the department of labor and shall be charged against the administration fund established in RSA 281-A:59.

11 Effective Date.

I. Sections 9 and 10 of this act shall take effect upon its passage.

II. Sections 6 and 7 of this act shall take effect as provided in section 8 of this act.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

The bill names the prison for women at Grasmere the New Hampshire state prison for women. It establishes the unclassified position of warden of the state prison for women.

The bill repeals 2 RSA sections regarding female prisoners which are duplicated in other laws.

The bill clarifies the authority of the commissioner of corrections over the parole board.

This bill authorizes a court which has determined that a person is not competent to stand trial to order such person to remain in custody for a reasonable period, not to exceed 90 days, to be evaluated for appropriateness of involuntary admission into the state mental health services system.

The bill reinstates 2 positions within the liquor commission which were abolished by 1990, 1:2, I.

The bill also makes an appropriation to the department of labor.

Amendment adopted. Ordered to Third Reading.

HB 1248-FN, relative to monitoring the reassessment of taxable property by the department of revenue administration.

Ought To Pass With Amendment. Senator Blaisdell for the committee.

SENATOR BLAISDELL: Senate Finance looked at this bill. We took the policy into consideration. You amended the bill on the floor of the Senate to take the AA dams out. The Senate Finance Committee appropriated \$45,000 of general funds annually to the dam maintenance fund for the inspection of the dams. When the class AA dams are deleted in the policy committee, there was a revenue loss and we put it back in. We ask for your support.

Amendment to HB 1248-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to monitoring the reassessment of taxable property
by the department of revenue administration, relative
to payments in lieu of taxes for certain waste
to energy facilities, relative to annual
registration fees for class AA dams
and making an appropriation
therefor, and relative to
the wetlands board.

Amend the bill by replacing sections 3 and 4 with the following:

3 Eliminating Annual Registration Fees for Class AA and Class A Dams. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee.

I. Annual registration fees for dams shall be payable to the division of water resources on March 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA [482:11] 482:15. Yearly dam registration fees based on the following dam classification shall be as follows: [Class AA = \$20;] Class A = \$50; Class B = \$200; Class C = \$300. Revenues from this annual registration are to be collected by the division and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

II. Appropriation: There is hereby appropriated annually the sum of \$45,000 to be deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 New Paragraph; Request for Jurisdiction. Amend RSA 482-A:3 by inserting after paragraph IV the following new paragraph:

IV-a. An applicant may file a request for jurisdiction with the wetlands board asking the board to review a site and render a decision as to whether or not the site in question is wetlands, as defined by state statute and rules, and whether or not a notice under this section is required to be filed with the board. The application shall be accompanied by a \$150 application fee. The wetlands board shall issue a written decision within 30 days from the date of the request unless the time period is extended by agreement of the parties.

5 New Paragraph; Application Fee for Department of Transportation. Amend RSA 482-A:3 by inserting after paragraph VI the following new paragraph:

VI-a. The wetlands board may enter into a memorandum of agreement with the department of transportation in which the wetlands board will accept technical or consulting services from the department in place of having the department pay the entire dollar amount of the permit application fees otherwise charged under this section, and which shall be equivalent in value to the fees otherwise charged. Notwithstanding any other provision of this section, the maximum dollar amount of any permit application fees which shall be charged to the department of transportation shall be \$10,000 per application. If the dollar amount of a permit application fee exceeds \$10,000 the balance of the fee which is due shall be paid by the department of transportation by having the department provide the technical or consulting services which shall be needed by the wetlands board as part of the application process.

6 Effective Date.

I. Sections 1, 4, and 5 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the

municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

The bill allows cities and towns to enter into agreements with certain energy producers that also qualify as approved facilities under RSA 149-M for solid waste management purposes to make payments in lieu of taxes.

The bill eliminates the annual registration fee for class AA dams, and makes an annual appropriation of \$45,000 to the dam maintenance fund to be used for dam inspection.

The bill also adds a new provision in RSA 482-A relative to requests for jurisdiction with the wetlands board for site review by the board, and permits the wetlands board to enter into agreements with the department of transportation in which the wetlands board will accept technical or consulting services as part of the permit application fees otherwise charged.

Amendment adopted. Ordered to Third Reading.

HB 1331-FN-A, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor.

Inexpedient To legislate. Senator Blaisdell for the committee.

SENATOR BLAISDELL: There really is no need for HB 1331-FN-A. The dollars necessary for this act were provided in SB 402. So we ask it to be inexpedient to legislate.

Adopted.

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges.

Ought To Pass With Amendment. Senator Hough for the committee.

SENATOR HOUGH: The amendment on HB 1382-FN-A, by the Senate Finance Committee, would allow — the current law allows judges to retire at age 70 with at least 7 years of service or at 65 with 10 years with service. The bill as amended adds another category — the judge's eligibility for retirement that would allow judges age 60 with 20 years of service. In addition, it provides that judges who retire or who are under 70 years old might act as senior justices and receive travel expenses as senior justices on per-diem.

Amendment to HB 1382-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the judicial vesting and retirement committee
and making an appropriation for an actuarial study of
judges, and relative to longevity retirement
pay for judges and to senior justices.

Amend the bill by replacing all after section 2 with the following:

3 Longevity Retirement; Supreme Court Justices. Amend RSA 490:2, II to read as follows:

II. As additional compensation for services rendered and to be rendered, any justice of the supreme court who retires upon attaining the age of 70 years and after having served as such justice for at least 7 years, or after attaining the age of 65 years and after having served as such justice for at least 10 years, **or after attaining the age of 60 years and having served as a full-time justice for at least 20 years**, shall receive annually during the remainder of his life an amount equal to $\frac{3}{4}$ of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid.

4 Longevity Retirement; Superior Court Justices. Amend RSA 491:2, II to read as follows:

II. As additional compensation for services rendered and to be rendered, any justice of the superior court who retires upon attaining the age of 70 years and after having served as such justice for at least 7 years, or after attaining the age of 65 years and after having served as such justice for at least 10 years, **or after attaining the age of 60 years and having served as a full-time justice for at least 20 years**, shall receive annually during the remainder of his life an amount equal to $\frac{3}{4}$ of the currently effective annual salary of the office from which he is retired, to be paid in the same manner as the salaries of the justices of said court are paid.

5 Longevity Retirement; District Court Justices. Amend RSA 502-A:6-a, III to read as follows:

III. As additional compensation for services rendered and to be rendered, any justice of a district court who retires upon becoming 70 years old after having served as a justice for at least 7 years, or who retires after becoming 65 years old after having served as a justice for at least 10 years, **or after attaining the age of 60 years and having served as a full-time justice for at least 20 years**, shall receive annually during the remainder of his life an amount equal to $\frac{3}{4}$ of the currently effective annual salary of the office from which

he is retired, to be paid in the same manner as the salaries of the justices of the court are paid. Any justice who is a member of the state or a local retirement system on January 1, 1984, shall forthwith cease to be a member of that system. The accumulated contributions made by such justice shall be paid out of the retirement trust fund to the justice.

6 New Paragraph; Senior Justices; Travel Expenses. Amend RSA 490:2 by inserting after paragraph VI the following new paragraph:

VII. Any justice who retires pursuant to paragraph II who is under the age of 70 years and who agrees to provide additional service to the court shall be designated a senior justice and have the authority of a sitting justice, until he attains the age of 70 years. A senior justice shall not receive compensation for such service, except for travel expenses. Assignment of senior justices shall be made at the discretion of the chief justice of the supreme court.

7 New Paragraph; Senior Justices; Travel Expenses. Amend RSA 502-A:6-a by inserting after paragraph VI the following new paragraph:

VII. Any justice who retires pursuant to paragraph III who is under the age of 70 years and who agrees to provide additional service to the court shall be designated a senior justice and have the authority of a sitting justice, until he attains the age of 70 years. A senior justice shall not receive compensation for such service, except for travel expenses. Assignment of senior justices shall be made at the discretion of the chief justice of the supreme court.

8 Effective Date.

I. Sections 1, 2, 6 and 7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1991.

AMENDED ANALYSIS

The judicial vesting and retirement committee established in the 1989 legislative session is continued by this bill. The committee is assigned the duty, with the advice of the legislative budget assistant and the board of trustees of the New Hampshire retirement system, of contracting for an actuarial study of all full-time judges, to determine the contributions required of each judge if a vested judicial retirement compensation option becomes available. The committee is also required to study a defined-contribution retirement plan for justices.

An appropriation of \$1 is made to the committee for the administrative costs of this actuarial study. Additional actuarial studies dealing with vested judicial retirement compensation are to be paid by the justices requesting them.

This bill also allows justices who retire after the age of 60 years and with at least 20 years of full-time service to receive additional longevity retirement compensation.

The bill allows certain retired district court justices and supreme court justices to be designated senior justices.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1229, HB 1248, HB 1382** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1229, relative to the department of corrections, the parole board, court-ordered commitments, the liquor commission, and making an appropriation to the department of labor.

HB 1248, relative to monitoring the reassessment of taxable property by the department of revenue administration, relative to payments in lieu of taxes for certain waste to energy facilities, relative to annual registration fees for class AA dams and making an appropriation therefor, and relative to the wetlands board.

HB 1382, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges, and relative to longevity retirement pay for judges and to senior justices.

COMMITTEE REPORTS

HB 1389-FN-A, relative to the taxation of banks and relative to the communication services tax and making an appropriation therefor.

Ought To Pass With Amendment. Senator Dupont for the committee.

SENATOR DUPONT: The committee amendment deals with the telecommunications tax that we passed earlier in this session. What we discovered after we had passed the tax, we had made no provision for a case in which the telephone company or any company that is in the telecommunications field that is affected by this law, sends a bill to a customer and the customer does not pay. As the original bill passed, it would still require them to pay the tax on the bill they have never collected. It also takes a look at one other section and makes an effective date change. Basically that is the bulk of the bill other than allowing also Revenue Administration to hire some additional staff for the purpose of administrating the section changes.

SENATOR NELSON: Thank you, Senator Dupont. I noticed on page 3, on the bill they took out for example they took the word out "quarter-monthly" and put in "estimated." Could you give us a little explanation why they are estimated payments shall be credited rather than quarter-monthly?

SENATOR DUPONT: Senator, I would have to get that answer for you on that. I don't have that answer. It may have something to do with the original implementation on the bill. Because, if you remember correctly, we started taxing April 1, 1990, we still don't have the language down until the passage of this bill and there was some questions about how we would deal with that.

SENATOR NELSON: Thank you sir, I guess what I am trying to say is when I see something go to estimated from quarter-monthly I don't know myself what it means. I just wanted to make sure it's not going to...we are talking everyone in the State of New Hampshire.

SENATOR DUPONT: It could be a timing issue too, Senator. In other words, when telephone bills go out during what part of the month, if we required them to pay by the 15th or the 31st, they may not have all the information in their hand necessary to put exact amount on it. It is going to affect the consumer and on the other hand, it wouldn't affect them even if it wasn't an estimated amount. The tax that we put on the law is a set percentage and this deals with how it is computed, not the Telephone Company. If you want to give me a second, Senator, I will take some time and look at it.

SENATOR NELSON: Good, just to make sure it doesn't affect the consumer, these are the elderly people, myself.

SENATOR DUPONT: Senator, if I can respond to that if you remember Senator, it exempts the first \$12 dollars of any telephone charges basic charge. Most elderly don't have phone bills that high.

SENATOR PODLES: Senator Dupont, the amendment says that we are going to hire a clerk and a tax auditor. We increased taxes and then we have to spend money for Administrative Services. Is this going to be a wash or are we still going to be ahead?

SENATOR DUPONT: Senator, if you remember correctly, this bill raises somewhere between 20 to 30 million dollars for the State. As a result of that we have to have someone to make sure that we are able to grow I think that's obviously (tape inaudible). It is kind of a wash when you are taking in this kind of money and then spending it.

Amendment to HB 1389-FN-A

Amend the bill by replacing section 6 with the following:

6 Bad Debt Excluded from Definition of Gross Charge. Amend RSA 82-A:2, V(f) and (g) to read as follows:

(f) Charges for communications services and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the tax imposed under this chapter has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service; [and]

(g) Charges paid by inserting coins in coin-operated telecommunication devices[.]; and

(h) **Bad Debt.** For the purposes of this paragraph, bad debt means any portion of a debt that is related to a purchase at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made.

7 Supplemental Appropriation for Department of Revenue Administration. Amend 1990, 9:10 to read as follows:

9:10 Supplemental Appropriation; Department of Revenue Administration. The following sums are hereby appropriated to PAU 01, 07, 02, 01[:]. **These sums shall be in addition to any other sums appropriated to the department of revenue administration, audit division. The commissioner of revenue administration shall use the amount necessary from this appropriation in order to hire one clerk IV, labor grade 11, and one tax auditor I, labor grade 15, for purposes of administering RSA 82-A. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated:**

	Fiscal Year	Fiscal Year
	1990	1991
10 Personal services	\$ 5,909	\$48,745
20 Current expenses	9,490	23,600
30 Equipment	19,029	3,577
60 Benefits	1,643	13,551

70 In-state travel	500	1,500
80 Out-of-state travel	1,000	6,500
Total	\$37,571	\$97,473

8 Effective Date.

I. Sections 1 and 7 of this act shall take effect upon its passage.

II. Sections 2-6 of this act shall take effect for gross charges collected from the taxpayer by a retailer on or after April 1, 1990, at 12:01 a.m. for communication services purchased at retail on or after March 1, 1990.

AMENDED ANALYSIS

This bill repeals RSA 84:18, which exempts banks from paying taxes other than the bank tax.

The bill also amends the communications services tax, RSA 82-A, by:

- (1) redefining "gross charge."
- (2) clarifying when the tax is imposed upon interstate communications services.
- (3) amending the requirements for making estimated payments and providing refunds.
- (4) Excluding bad debts from the definition of gross charge.
- (5) Amending the appropriation for administering the communications services tax.

Amendment adopted. Ordered to Third Reading.

HB 1405-FN-A, relative to sludge and septage management programs.

Ought To Pass With Amendment. Senator Torr for the committee.

SENATOR TORR: HB 1405-FN-A transfers the responsibility of sludge and septic management from the Division of Waste Management to the Water Supply and Pollution Control. Fees were increased to fund the two positions to carry out the program, thus the bill will be self-sustaining.

SENATOR NELSON: Senator Torr, it's difficult to hear on the other side of the room sometimes. I was just curious, why are you transferring this sludge and septage management from waste management to water supply and pollution.

SENATOR TORR: Because there is a request by Environmental Services to do that.

SENATOR NELSON: That's why you needed to add the money on here.

SENATOR TORR: The money is derived from the fact the fees have been raised to sustain the two new people added on to the system.

Amendment to HB 1405-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to sludge and septage management programs
and making an appropriation therefor and
relative to the oil discharge and
disposal cleanup fund.

Amend the bill by replacing all after section 18 with the following:
19 Appropriation; Position Established.

I. The sum of \$79,000 is hereby appropriated for salaries and benefits to the division of water supply and pollution control, department of environmental services, for the fiscal year ending June 30, 1991, for the purposes of sections 1-19 of this act.

II. The division of water supply and pollution control, department of environmental services, may establish, subject to prior approval of the fiscal committee, 2 new positions: one environmentalist IV and one clerk IV, who shall be classified employees qualified by reason of education and experience, and who shall administer the sludge and septage management programs. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

20 Oil Discharge Fund. Amend RSA 146-D:3, III to read as follows:

III. The fee provided for in this section shall be collected by agents of the department of safety, in the same manner as provided for in RSA 260:38. Such funds shall be deposited in the oil discharge and disposal cleanup fund established under this chapter. Any person who fails to obtain a license, file a report, or pay the fees established in this chapter shall be subject to the penalties and interest described in RSA 146-A:11-b, IV. **The board, pursuant to rules adopted under RSA 145-D:5, may waive all or any portion of such penalties, for good cause.**

21 New Subparagraph; Board's Rulemaking Authority. Amend RSA 146-D:5, I by inserting after subparagraph (d) the following new subparagraph:

(e) Waiver of penalties due or past due under RSA 146-D:3, III.

22 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

The bill transfers the sludge and septage management programs from the division of waste management to the division of water supply and pollution control.

An appropriation is made to the division of water supply and pollution control for the purposes of this bill, including 2 new positions.

A person who fails to obtain a license, file a report, or pay certain fees relative to oil distribution, is subject to certain penalties. This bill adds a cross-reference to the interest due on such penalties. The penalties or any portion thereof may be waived by the oil fund disbursement board.

Amendment adopted. Ordered to Third Reading.

HB 1406-FN, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

Ought To Pass With Amendment. Senator St. Jean for the committee.

SENATOR ST. JEAN: This bill as amended removes legislation already in law from HB 1501. Chapter law 3, laws 1990 and should have no fiscal impact. The bill establishes a committee to study the issue of medical waste and modifies definitions of waste and hazardous waste laws.

Amendment to HB 1406-FN

Amend the bill by deleting section 2 and renumbering sections 3-17 to read as 2-16, respectively.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1389**, **HB 1405**, **HB 1406** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1389, relative to the taxation of banks and relative to the communication services tax and making an appropriation therefor.

HB 1405, relative to sludge and septage management programs and making an appropriation therefor and relative to the oil discharge and disposal cleanup fund.

HB 1406, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

RECONSIDERATION

Senator Bond moved reconsideration on **SB 353**, requiring state agencies to purchase recycled paper products whereby the Senate nonconcurred and requested a committee of conference and now concurs with the House amendment.

Adopted.

Senator Bond moved reconsideration on **SB 401**, relative to fines imposed for DWI whereby the Senate nonconcurred and requested a committee of conference and now concurs with the House amendment.

Adopted.

Senator Bond moved reconsideration on **SB 309**, establishing a New Hampshire Heritage Trail and making an appropriation therefor whereby the Senate nonconcurred and requested a committee of conference and now concurs with the House amendment.

Adopted.

COMMITTEE REPORTS

HB 1409-FN, relative to workers' compensation and making an appropriation therefor.

Ought To Pass With Amendment. Senator Delahunty for the committee.

SENATOR DELAHUNTY: HB 1409-FN as amended, Senate Finance looked at HB 1409-FN and the only change that was made was to section 45, the effective date was changed from 1/1/91 to 7/1/90. This would allow labor to collect the increase in the workman's comp assessment six months earlier to provide the funds necessary to implement the bill.

SENATOR BLAISDELL: I wanted to second the motion for Senator Delahunty. I just returned from a conference, which I paid for by myself by the way, and our model is this seat. The model in New Hampshire's bill is the model for the country in workman's comp. We should be very proud of it. Senator Delahunty and his committee should be very proud. Maybe he will get his picture in the Business Review again.

Amendment to HB 1409-FN

Amend paragraphs II and III of section 48 of the bill by replacing them with the following:

II. Sections 1, 23, 28, 34, 35, 37, 38, 43, 45, 46 and 47 of this act and RSA 281-A:2, I-b as inserted by section 2 of this act shall take effect July 1, 1990.

III. Sections 3-14, 16-22, 24-27, 29-33, 36, 39-42 and 44 of this act and RSA 281-A:2, I-a as inserted by section 2 of this act and RSA 281-A:24, II, III, IV and V as inserted by section 15 of this act shall take effect January 1, 1991.

Amendment adopted. Ordered to Third Reading.

HB 1439-FN, relative to the reimbursement to the state for certain services rendered at race tracks.

Ought To Pass With Amendment. Senator Blaisdell for the committee.

SENATOR BLAISDELL: The first part of HB 1439-FN tightens the statute regarding the reimbursement to the State by tracks to make it consistent with other aspects of the pari-mutuel statute. The second part of the bill addresses the concerns raised by the LBA audits of the pari-mutuel commission. Specifically, it resolves the issue of outstanding unclaimed pari-mutuel tickets. This section is agreed to by the pari-mutuel commissions. Senate Finance asks passage.

Amendment to HB 1439-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the reimbursement to the state for certain
services rendered at race tracks and
unclaimed ticket money.

Amend the bill by replacing all after the enacting clause with the following:

1 Compensation of Track Officials. RSA 284:20-d is repealed and reenacted to read as follows:

284:20-d Compensation of Stewards, Judges, and Veterinarians. Compensation of the commission veterinarian, and of the official state steward or associate judges of the commission shall be reimbursed to the state by the person, association, or corporation conducting the race or meet, and such reimbursement shall include the

employer's share of OASI taxes. The commission may establish the salaries of the state steward and associate judges. Payments to the state required under this section shall be made no later than 30 calendar days after receipt of billing from the commission. Failure to make payments in the time prescribed shall subject the licensee to a civil forfeiture of up to \$50 for each day the payments are overdue, at the discretion of the pari-mutuel commission.

2 Unclaimed Money. Amend RSA 284:31 to read as follows:

284:31 Unclaimed Ticket Money. On or before [December] **January** 31 of each year every person, association or corporation conducting a race or race meet hereunder shall pay to the state treasurer all moneys collected during the **previous** year of pari-mutuel pool tickets which have not been redeemed. The books or records of said person, association or corporation, which clearly show the tickets entitled to reimbursement in any given race, shall be forwarded to the commission. Such moneys shall be retained by the state treasurer and he shall pay the amount due on any ticket to the holder thereof upon an order from the commission. After the expiration of one year, any such moneys still in the custody of the state treasurer shall become a part of the general funds of the state.

3 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that the race tracks in the state reimburse the state for the compensation paid to the track stewards, judges and veterinarians no later than 30 days after receipt of billing.

The bill provides that all moneys collected during the previous year on pari-mutuel pool tickets that remains unclaimed shall be paid to the state treasurer on or before January 31.

Amendment adopted. Ordered to Third Reading.

HOUSE MESSAGE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 359, relative to modifying planning board procedures on plats.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following Bill sent down from the Senate:

SB 409-FN, relative to school attendance as a condition of issuance of driver's licenses to minors.

HOUSE MESSAGE

SENATE ACCEDES TO COMMITTEE OF CONFERENCE

The House of Representatives refuses to concur with the Senate in the adoption of the amendments to following entitled Bills sent down from the Senate and request a Committee of Conference.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

Senator St. Jean moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators St. Jean, Dupont, Podles.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Dupont, Bartlett

HB 1289-FN, relative to DWI offenses.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Podles, Preston, Bass.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities.

Senator McLane moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators McLane, Krasker, Currier.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services.

Senator Freese moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Freese, Delahunty, Disnard.

HB 705-FN, relative to drug-free school zones and making an appropriation therefor.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Hough, Dupont.

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Podles, Dupont.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Podles, Bass, Nelson.

HB 1120, relative to notice of insurance cancellation.

Senator Delahunty moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Freese, Charbonneau, Magee.

HB 1432-FN, relative to the New Hampshire rivers management and protection program.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, McLane, Krasker.

HB 1347-FN-A, relative to quality assurance records of community mental health programs.

Senator Krasker moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Krasker, McLane, Charbonneau.

HB 1062, relative to record books kept by registers of deeds.

Senator Freese moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Freese, Disnard, Delahunty

HB 1026, relative to the definition of public access to public waters.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, Preston, McLane.

HB 1027-FN, establishing a black bear management program and requiring a special bear license.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, Currier, St. Jean.

HB 1046, relative to the declaration of purpose for the planning and zoning laws.

Senator Bass moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Charbonneau, Bond, King.

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett.

Senator Johnson moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Johnson, King, McLane.

HB 1162-FN, relative to the railroad banking program.

Senator Preston moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Preston, Heath, King.

HB 1174-FN, relative to laws regarding children and minors.

Senator Krasker moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Krasker, McLane, Bond.

HB 1250-FN, relative to employees of the dog and horse racing industry.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Magee, Blaisdell, Disnard.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Podles, Nelson, Bass.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

Senator Delahunty moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Delahunty, Freese, Blaisdell.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board.

Senator Freese moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Freese, Stephen, Currier.

HB 1438, relative to the goals and objectives for reduction of solid waste.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, Bass, Krasker.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

Senator Torr moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Torr, Roberge, Preston.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate.

Senator Johnson moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Charbonneau, Johnson, King.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza.

Senator Torr moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Torr, Nelson, Roberge.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Heath, Preston, King.

HB 1103-FN, relative to the regional fuel tax agreement.

Senator Preston moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Preston, Heath, Currier.

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

Senator Podles moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Podles, Bass, Nelson.

HB 685-FN, relative to tenant evictions.

Senator Johnson moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Johnson, Magee, Krasker.

HB 409-FN, relative to licensing professional foresters.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, Bass, Preston.

The House of Representatives concurs with the Senate in the passage of the following entitled Bills with amendment and the passage of which amendment the House of Representatives asks the concurrence of the Senate:

HOUSE MESSAGE

SENATE CONCURS WITH HOUSE AMENDMENT

SB 346-FN, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

Senator Blaisdell moved concurrence.

Adopted.

SB 313-A, relative to the Nashua courthouse and making an appropriation therefor.

Senator St. Jean moved concurrence.

Adopted.

SB 351-FN, relative to the Pease Air Force Base development authority and making an appropriation therefor.

Senator Dupont moved concurrence.

Adopted.

SENATOR DUPONT: I know we have a busy afternoon, and I don't want to take more than just a minute to make a couple comments about Pease Air Force Base. First off, I think that it is appropriate that I thank and the people of my area thank yourself, Mr. President, and Speaker Scamman and certainly Leo Frazier and his committee for the work that was done on this bill. Obviously, it has been a difficult process. I think we all basically came to realize the economy in our area is going to rely a great degree on what happens at Pease, and for that reason I am certainly appreciative of all the time the legislators dedicated to putting together a plan for dealing with Pease. I certainly stand here today and hope in the coming years Pease turns into something positive. It's been a difficult piece of legislation for me and I think basically, at this point in time, the final outcome product was worth all the effort that was put into it and certainly the political heat that I, as result of our actions, I don't mind taking it on a bill that has the importance that this bill has. So I will thank you at this point in time and I would also like to thank the Senate for their cooperation on this.

SENATOR JOHNSON: Mr. President, members of the Senate. With all due respect to my colleagues and what was done in the Senate a couple of weeks ago on SB 351, I voted against it and I had several what I thought were good reasons at the time. One had to do with the bonding authority of \$750 million dollars, That now has been reduce to \$250 million dollars. The other concern that I had was that it upset the balance between State and local control. I would believe that the House, under the leadership of Leo Frazier, has corrected that along with a number of other things there. Senator Dupont mentioned the Speaker of the House, I might remind this body and anybody else that shortly after the Senate Bill passed it was he that said in the press he did not think the House was going to change the version of the bill that was passed by this body, but I think that we all know that there have been radical changes and radical improvements. I think we can be all pleased about that.

SENATOR HOUGH: Senator Dupont, could you assure me that the resolution of this issue now places the State in a position to be able to manage its destiny on this very vital regional opportunity?

SENATOR DUPONT: Senator, there were two main issues that the Senate addressed. One, the makeup of the board and how many votes ultimately the State would have on that board. As it passed both the Bodies, out of the seven votes the person or committee has set up, the State has four of those votes. So I would say your concerns about the bonding and the money that is going to be spent by the State has been preserved. The other issue that the Senate was concerned about was the zoning. This authority will still have the control over the zoning, however, it will take the majority of the seven persons who are on it. The fact of the matter is, we did retain control over the board and we did retain control over the zoning. Those were the major concerns in the Senate

SENATOR KRASKER: I just want to thank the Senate on it's concurrence on the Pease bill. This is critical to my area; we want to get moving as fast as possible and this continues the process. Thank you.

SENATOR TORR: I would like to follow in stride with my colleagues. Strafford County was going to certainly be impacted highly and I think what has occurred as result of the process is beneficial for Strafford County and I would like to compliment Representative Frazier on the excellent job he did in the House.

SB 373-FN-A, relative to compulsory school attendance and to home education.

Senator Disnard moved concurrence.

Adopted.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1409** and **HB 1439** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1409, relative to workers' compensation and making an appropriation therefor.

HB 1439, relative to the reimbursement to the state for certain services rendered at race tracks.

COMMITTEE REPORT

HB 1225-FN-A, to define "retired state employee" for state employee group insurance purposes.

Ought To Pass. Senator Blaisdell for the committee.

SENATOR BLAISDELL: HB 1225 passed the House of Representatives, passed Appropriations, passed the Senate Insurance Committee, passed the Senate and was sent down to Finance. What this does, on the amended analysis, is redefines the qualifications of the retired state employee for the purpose of receiving medical and surgical insurance. The product of the new definition came from a special study committee created by chapter 376, laws of 1989. The committee was composed of three Senators, three House members and a representative from the Governor's office. They were charged with recommending new standards of eligibility, because of the concern we all have of rising health insurance costs. The results of hard work and many meetings is contained in HB 1225. Let me say that the bill is the result of input from all sides, the Governor, the Legislature, State employees through their representative. It is a compromise bill that does not go as far as some would like nor extend coverage to more employees. As I said, it is a compromise and it saves the State money. These new standards will mean fewer State employees who retire will be eligible for this benefit. It is a cost saver to the State in the long run. This is the report. It was signed by Representative Gerard E. Powers, the chairman of the House committee, Senator Blaisdell, Senator Charbonneau, Senator Hough, Representative Janet Pelley, Representative Kenneth J. MacDonald, and Mr. Ralph Brickett of the Governor's office. I ask concurrence of the Senate.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: Last year, when we put HB 250 back into committee, we rereferred it, if I remember correctly. We passed as part of the budget process a freezing of all requests for reclassification or reallocation until June 30, 1990. This session, this body voted to put HB 250 on the table and it ultimately died on the table. We, therefore, have a situation where all of the work that needed to go in to make the study on reclassifying state employees has been done, however, no action has been taken. So what you have before you in this floor amendment is a request to again freeze any reclassifications or reallocations until July 1, 1991. Obviously, there is an economic situation that is driven by the reclassifications. We have some serious concerns about going ahead with, we feel, a significant num-

ber of requests for reclassifications as a result of the work that has been done. This is a necessary part of the State's current efforts to deal with its finances at the present time.

SENATOR HOUGH: I wish to address my remarks to the floor amendment offered by Senator Dupont on HB 1225. While I agree with the passage of the bill and the Finance committee's report and understand why we have to pass that bill and pass it in its present form, I have great reservations in regard to Senator Dupont's amendment. I understand it full well. We have committed and spent valuable resources in recent years, looking into the State personnel system, and through the valiant efforts of Senator Freese, we have tried to come to grips with a package that is based on some semblance of reason. However, this body has not been able to resolve its differences with the other Body. Reclassification is driven by the House ED & A Committee. Reclassification has a history of being House dominated and unacceptable to this body. So that is where we are, at a stalemate. A year ago, we passed a moratorium on reclassifications. Quite frankly, you are going to have to extend the moratorium on reclassification for another twelve months. Because, were you not to do that, the log jam of positions in the Department of Personnel that would come rushing forward would financially impact an already fragile fiscal condition. So this amendment does nothing more than continue the thumb in the dike. This body will be in a position in six short months, with a new legislature and contemplating a new biennial budget, of coming to grips with our inaction in regard to reclassification. As a member of the House/Senate Fiscal Committee, frequently, we are to asked or are requested to act on reclassifications on an individual basis. We had a situation with social workers in the last six months that became politically volatile. I will support with a caveat the Dupont amendment. That caveat is I reserve my rights and reservations to look at all of those positions that are in the pipeline and as a member of the fiscal committee. In the next twelve months, I will not be dissuaded from entertaining and acting favorably upon requests for reclassifications. This amendment, while it technically maintains a moratorium, in no way shall tie my hands and as members of the Senate and as members of the Senate Fiscal committee, we should be willing to entertain all legitimate, rightful requests for reclassifications in the next twelve months. Thank you.

SENATOR MCLANE: Senator Hough, you and I were sponsors of the original bill and you remember back in 1980 when the State of New Hampshire, instead of giving a pay raise to loyal State employees, gave them some insurance benefits instead of the pay raise. Do you remember that?

SENATOR HOUGH: Yes, I do.

SENATOR MCLANE: Do you think that the amendments to the original 1225 are keeping faith with these retired State employees? Or have we changed the game after they made their part of the deal?

SENATOR HOUGH: In answer to your question, Senator McLane, so that there is no misunderstanding. Your remarks are not addressed to the Dupont amendment.

SENATOR MCLANE: No. This is my first question. I am setting you up a bit.

SENATOR HOUGH: In answer to your question in regard to the Senate Finance Committee's report and the amendment, I would recognize your concerns and I would accede to your position as to what happened in the late seventies and early eighties. However, I would also indicate that this resolve is a result of a great deal of serious effort on the part of all parties involved. The State employees, the members of the House, the members of the Senate, the members of the administration. I would accede that it is not a perfect solution. It is an agreed solution. That is the best that I can give you.

SENATOR MCLANE: My second question, is how much did the study cost that resulted in HB 250?

SENATOR HOUGH: I would defer to Senator Dupont because my guess of roughly a half a million dollars would be only a guess.

SENATOR DUPONT: Senator, I believe it was in excess, by the time we get through with the court, and the unclassified employees as part of the whole process so that we probably spent somewhere between three and four hundred thousand dollars for the whole package.

SENATOR MCLANE: Then my last question is, if you add that amount of money to the amount of money that went into the original A.D. Little report of 1974 that was never implemented, we have spent a half a million dollars and we have accomplished nothing as far as classified State employees. And now we are going to postpone that for another six months. Is that correct?

SENATOR HOUGH: There is a question that we are going to have to maintain a moratorium for twelve months. Within six months, the House and this Body will see this subject surface. My experience, as your experience, goes back over twenty years. Politics is the art of

the impossible. A million dollars of A.D. Little's brain power can not win us a product that will be acceptable, as I would take the position of a cynic in this instance.

SENATOR MCLANE: If you were the Senator from Concord that represented 1200 State employees, would you possibly vote for this amendment?

SENATOR HOUGH: If I were the Senator from Concord, I would act no differently than I would act as the Senator from the fifth district. I would do in all instances that which is the right thing.

SENATOR NELSON: Just one question, Senator Dupont. I was interested in what this reallocation means specifically in this particular floor amendment?

SENATOR DUPONT: As I understand it, when you reallocate either a position or the funds, and transfer that to another place to do something else, it would have the same effect of creating another position at a higher or lower level.

SENATOR NELSON: On this reallocation, reclassification request, I guess I was trying to get a better handle from you on what this actually means without these other things. Do they presently now reallocate and why are you not going to allow them to reallocate personnel? You said money, is it stopping them from reallocating personnel? Could you just give a clearer answer to that.

SENATOR DUPONT: The fiscal committee has the authority to allow reclassifications. In other words, if somebody wants a position upgraded, for example, they go to personnel, they get approval of personnel, and then it is submitted to fiscal committee and governor and council have the final say in it. What the fiscal committee has done, since this originally went into effect, they have dealt with ones that were originally in the pipe line, ones that were put in prior to the time in which all reclassifications were frozen. So once this passes, it is an extension of a freeze that has already been in place, for another year. The same with reallocation. They have to go together in the budget process.

SENATOR NELSON: Would I understand that Senate fiscal committee is now becoming the Director of Personnel?

SENATOR DUPONT: Senator, that is not the case. What I am saying to you, and I will go through it again, if you are a department head that has an employee that you want to reclassify, you go to the department of personnel, and they have to approve it before it even

gets to the fiscal committee. I believe in most instances, the fiscal committee has gone along with what the director of personnel has put forward. It is a protection in there for you as a legislator, that you still have some say in a position that you appropriated money for that it is still treated in the manner that you expect it to be. That is fiscal's function. To act as a function of this legislature when we are not in session or when we can't be in session.

Floor Amendment to HB 1225-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

to define "retired state employee" for state employee group insurance purposes and relative to requests for reclassification or reallocation.

Amend the bill by replacing section 4 with the following:

4 Requests for Reclassification or Reallocation. Notwithstanding any other provision of law, the director of personnel shall not consider any requests for reclassification or reallocation until July 1, 1991.

5 Repeal. 1989, 408:105, I, relative to requests for reclassification or reallocation is repealed.

6 Effective Date. This act shall take effect July 1, 1990.

AMENDED ANALYSIS

This bill defines who qualifies as a "retired state employee" in order to receive medical and surgical benefits under RSA 21-I:30.

The bill repeals 1989, 376:10. The bill adds the provision that any state employee who retired on or after July 1, 1989, and or before June 30, 1990, and who would have been eligible as a retired employee for medical and surgical benefits under RSA 21-I:30 but for the provision of 1989, 376:10, shall be eligible to again become a member of the state medical and surgical plan at state expense on the effective date of this act. This session law defined eligibility for medical benefits for active and retired state employees for the biennium ending June 30, 1991.

The bill also sets the date as July 1, 1991, for when the director of personnel may consider requests for reclassification or reallocation.

Amendment adopted. Ordered to Third Reading.

Senators McLane and Nelson wished to be recorded as opposed to the amendment.

HB 1367-A, relative to construction of a new Rockingham county courthouse and making an appropriation therefor.

Ought To Pass With Amendment. Senator Preston for the committee.

SENATOR PRESTON: This bill, be assured, will get very close scrutiny in the committee of conference. But as it was referred to the Capital Budget committee, it authorizes the bonding for \$475,000 for the design and \$10,500,000 for the construction of the Rockingham County court house. The committee amendment does not change the total amount appropriated for the design and construction. It does, however, require that 200,000 of the 475,000 appropriated for the design of the facility is to come from the court facility escrow account. This bill as it came to the budget committee from the Senate Public Affairs, repeals the original appropriation of \$396,000 from the court facility escrow account. The requirement was that the design of the superior court in Nashua be used as the basis for this new building. This repeal was left in by the Capital Budget committee. The committee amendment includes bond authorization of 925,000 for the purchase of furnishings, equipment and a security system for the superior court in Nashua. The committee was told that the court house would be finished but that there was no money available for the appropriate furnishings and equipment. The committee thought this was penny wise and pound foolish.

SENATOR CHARBONNEAU: Senator Preston, I think I sat in on this committee when we voted for seven million dollars for this. I would like to know when it was changed back to the \$10,975,000. I was never informed of this and I think I am part of this committee and would like to know why?

SENATOR PRESTON: Senator, when we met Tuesday, the meeting I was at that was the discussion. If you weren't present at that time, I will apologize to you but we did meet and discuss it with the members present. I can not recall how many of us were there, but that is when it was done, at that meeting.

SENATOR CHARBONNEAU: I would like an explanation of why you went back to the \$10,975,000.

SENATOR PRESTON: We did it because it was based on the up-to-date figures given to us by the LBA.

SENATOR CHARBONNEAU: Do you feel that now you have added on the Nashua court house, the furnishings and so forth, that we are going to have enough money to bond both of these things.

SENATOR PRESTON: I prefaced my remarks by saying that it will receive close scrutiny in the committee of conference. I really believe that the Nashua court house is going to be finished in November and deserves to be addressed the way it is. I can't address specifically what present construction costs, what the Rockingham County court house will be. We are just going on the basis of their figures. I am not an expert on that. We have relied on the experts and these are figures that they provided to us.

SENATOR NELSON: I know that you are all holding your breath because Senator Preston said Nashua court house. With all due respect to my colleague, I will bring to your attention that it is the Superior Court located in Nashua, but it is the Hillsborough County Court House. Hillsborough County is going to take care of it, Hillsborough County the largest county in the state. The reason I put the amendment on in the committee, I will be very honest with everybody, is that why start a brand new court house in Rockingham County with 10.5 when you have a court house almost completed for the largest county in the state sitting there. This 925,000 would give an opportunity to put in, and it is stated in the amendment exactly what it is for, a security system, equipment, etc., so you don't have to go in there after it is finished and rip out walls. This is a very good idea and I wanted you to know personally from me why I did it, for the Hillsborough County court house located in Nashua. It takes care of Manchester, Hudson, part of this district. Thank you.

SENATOR BOND: As the Senator for the largest county in New Hampshire, I wanted to compliment the Senator from the most populated county in New Hampshire.

SENATOR CHARBONNEAU: I am in favor of the Rockingham County court house, because it is really needed. But I also felt that I wanted to know the explanation of the \$10,975,000. We had that meeting and the committee voted on seven million. I am also in favor of the Hillsborough Superior Court House, because when I was in the Senate with Senator Boyer and Senator Stabile, we worked very hard on this. I am not opposed to the Rockingham County, I just wanted a clarification of why we went from seven million to ten million. I do not want to see that the 925,000 for the Hillsborough Superior Court House be in jeopardy over this.

SENATOR CURRIER: Senator Preston, everybody is talking about the court house, I am more concerned about 3.75 million dollar liquor store that is on this amendment.

SENATOR PRESTON: I am kind of interested in that myself.

SENATOR BARTLETT: Senator Currier, we are now addressing the committee amendment as printed in the calendar. You are looking at a floor amendment.

SENATOR MAGEE: I hope the Senate will support this amendment. It was very nice to hear Senator Charbonneau allude to a couple of previous Senators, one a Democratic and one a Republican from the city of Nashua. We are lucky to have Senator Nelson to work that side of the aisle. It looks like finally in 1990 that we could possibly have the Superior Court House and the equipment, so I wanted to thank Senator Nelson for her hard work on this.

Amendment to HB 1367-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to construction of a new Rockingham county courthouse
and to the purchase and installation of furnishings,
equipment, and a security system for the
Hillsborough county courthouse, and
making appropriations therefor.

Amend the bill by replacing all after the enacting clause with the following:

1 Appropriation; Department of Administrative Services. The following is appropriated to the department of administrative services for the biennium ending June 30, 1991, for the construction of a new courthouse in Rockingham county on county-owned land at the Rockingham county complex in Brentwood:

I. Rockingham county courthouse-preliminary design, final design and construction documents	\$ 475,000
II. Rockingham county courthouse-road and site improvements, construction	10,500,000
Total	\$10,975,000

Of the \$475,000 appropriated in paragraph I, \$200,000 shall be a charge against the escrow fund for court facility improvements and \$275,000 shall be bonded pursuant to section 2 of this act.

2 Bonding Authorization. To provide funds for the project in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$10,775,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided that such bonds shall be 5-year bonds.

3 Payments. The payment of principal and interest on bonds and notes issued for the project in section 1 shall be made from the general fund.

4 Repeal. 1989, 367:19, relative to an appropriation to the supreme court for preparation of design and construction documents for a new Rockingham county courthouse, is repealed.

5 Appropriation; Department of Administrative Services. The sum of \$925,000 is appropriated to the department of administrative services for the biennium ending June 30, 1991, for the purchase and installation of furnishings, equipment, and a security system for the Hillsborough county superior court in Nashua.

6 Bonding Authorization. To provide funds for the project in section 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$925,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

7 Payments. The payment of principal and interest on bonds and notes issued for the project in section 5 shall be made from the general fund.

8 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates funds for construction of a new Rockingham county courthouse on county-owned land in Brentwood.

The bill also makes an appropriation for the purchase and installation of furnishings, equipment, and a security system for the Hillsborough county superior court.

Amendment adopted.

Senator Torr offered a floor amendment.

SENATOR TORR: The amendment that is before you does two things. It appropriates 9.4 million dollars for a new office complex on Hazen Drive. This would be a structure of 125,000 square feet, and would be utilized by Environmental Services, Agriculture, and the Office of State Planning. The second portion of the amendment is the authorization to bond 3.75 million dollars for construction, acquisition and design of a new liquor store on I-95 north. This would be approximately across I-95 from the present south bound liquor store. It would basically be of similar construction. It would be on a parcel of 36 acres of land. Probably one third of that is wetlands. It has been determined that there is sufficient dry land that it could be constructed without any interference with the wetlands.

Senator Preston moved to divide the question.

SENATOR PRESTON: I would like to address the second part at the appropriate time. So I would like to vote the first portion up or down. It is my understanding that if this passes as we divide the first part of the question, it would go on to the House. If the second part fails, it would be deleted from this floor amendment.

SENATOR TORR: I would encourage the Senate body to divide the question.

SENATOR DUPONT: We are going to be voting to divide the question. As I understand it the dividing will be done based on section 8, 9, 10 being voted on separately from sections 11, 12, 13.

Adopted.

SENATOR TORR: I would encourage this body, I believe that you have heard sufficient times about the office building. I do not really have to say too much more. It is a very positive action by this body. I think it would be a positive action by the State because at a time when construction costs are down, it is an opportune time to do that. Besides, it provides the opportunity to put construction workers to work.

SENATOR CHARBONNEAU: Senator Torr, this office building, will it house everything that is downtown in Concord? Will everything go over there to this office building or are we still going to be renting office space in Concord?

SENATOR TORR: We are still going to be renting office space in Concord. This building would be 125,000 square feet total. 105,000 square feet of that would be office space. The 105 would encompass the Department of Environmental Services, the Department of Agriculture, and the Office of State Planning. When you put Environmental Services in it, 56,000 square feet would be coming out of the office of Health and Human Services building at present. It wouldn't take it all out of downtown. I think it would be devastating to downtown. In addition to that, much of it isn't downtown. It is on Manchester Street on the east side of Concord. I think one of the primary goals in it is the cost savings. You are saving well over a million dollars a year in rent. In addition, you are putting your employees in a central location, your departments in a central location, in quality new office space.

SENATOR CHARBONNEAU: Then if we are going to save, what you say that we are going to save, then why wouldn't it be more feasible to put everything in that one building?

SENATOR TORR: I think you have to be sympathetic to the city of Concord, in the total process. And in my personal opinion, if this could have happened two years prior to this, we would have been in a much better situation. But, I think it is important that it happens. I think we also have to think of the whole picture. We are looking at it from the perspective of the State of New Hampshire. Anytime we can save money for the State of New Hampshire, I think that has to be encouraged.

SENATOR NELSON: Senator Torr, I believe you are a member of the Capital Budget Overview Committee, and on that committee, has it been discussed for a plan. Is this part of a greater plan and one step in terms of saving the State money in terms of getting rid of leasing and renting finally?

SENATOR TORR: It certainly is. It has been something that has been discussed on an ongoing process for some time. I have served on several committees that have looked at the office space structure as far as the city of Concord is concerned and the agencies of the State. It basically is an overall concept of what is going to happen with the overall picture.

Floor Amendment to HB 1367-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to construction of a new Rockingham county courthouse,
to the purchase and installation of furnishings, equipment
and a security system for the Hillsborough county
courthouse, to the design and construction of
a general office building, and to the I-95
Hampton northbound liquor store,
and making appropriations
therefor.

Amend the bill by replacing all after section 7 with the following:

8 Appropriation. The sum of \$9,400,000 for the biennium ending June 30, 1991, is appropriated to the department of administrative services for the purpose of designing and constructing a new general office building on Hazen Drive in Concord, New Hampshire. This design shall incorporate a design document already prepared for the department of education building. The new design shall meet current applicable building codes and include expansion capabilities.

9 Bonds. To provide funds for the appropriation in section 8 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$9,400,000 and for said

purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

10 Payment. The payment of principal and interest on the bonds and notes issued for the project in section 8 of this act shall be made when due from the general fund.

14 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates funds for construction of a new Rockingham county courthouse on county-owned land in Brentwood.

The bill also makes an appropriation for the purchase and installation of furnishings, equipment, and a security system for the Hillsborough county superior court.

The bill appropriates funds to the department of administrative services for the design and construction of a new general office building in Concord.

The bill appropriates funds to the liquor commission for land acquisition, design fees and construction of a liquor store in Hampton on the northbound side of I-95.

Question on Sections 8, 9, and 10.

Adopted.

SENATOR PRESTON: Senator Currier, you expressed surprise and shock and dismay in essence when you looked at an amendment for Hampton. I thought it was an insult. I was aware of it this morning. You would ordinarily think that I should be supporting this or putting a bill like this on a Christmas tree bill. I just called the Town of Hampton and asked the town manager or the selectman if they are aware of this. They were not. This bill would take some 27 or 32 acres what they think is industrial land and shrink the tax base and have a negative impact on a town without them even knowing about it. How would you feel if you were a selectman in a town or a selectperson or representative, and read in the paper that the State is planning a liquor store for Hampton. It really imposes a cost on the town that they are not even aware of. The Speaker told me that he wasn't even aware of this until last night. The building inspector and the planning commission (tape inaudible) The Department of Transportation was out in the hall an hour ago. They were called six days ago to scout around for locations. They saw a sign and called up. And made discreet inquiries. There have been no soil tests, there are environmental impact statements that have to be conducted in this area. It is no way to do business. It is a stupid, helter-skelter way to

do business. It is a reactionary type of thing that we seem to be doing in State government today. I said who wants this? They said the Governor will support it. I don't care who supports it. It is not the way to do business. You can do public business in public. This is a sneaky way to do business. They are concerned down there about access for emergency vehicles. They are having problems with the other state package store on the other side of the highway, and they have worked them out. They haven't even been consulted on this one and it is going to have a negative impact on the tax rate of everyone in the town of Hampton. No wonder local communities distrust us and the way we do business. It is a sneaky amendment. And if it would benefit my town and put money in it, I would support it, if we had done it above board. I urge you to vote this down. Let's do business in a good manner. Because now they have inflated the price of the property. They are buying industrial land out there. It is really, not only an insult to me, but to everyone who lives in the community. We politicians deserve the reputation that we have and the lack of trust.

SENATOR CARRIER: Senator Preston, is this the second or the third additional liquor store this session?

SENATOR PRESTON: I don't know. This is a surprise to me.

SENATOR CARRIER: It is my recollection that another one was tacked on to one of the appropriations bills for the city of Nashua. I was just curious if there was more than one.

SENATOR PRESTON: I don't know what is going on with the liquor commission. I read all kinds of things about unauthorized commissions being paid, and investigations being conducted and now we have a liquor store being sneaked in at the last minute and no one really knows the cost. It is an embarrassment.

SENATOR MAGEE: Just briefly, Senator Carrier, for your information we are closing a liquor store in Nashua and opening one, so there is no real increase in the number of liquor stores in the Nashua area this year that I know of and there was no other one that I voted on either.

SENATOR PRESTON: I have heard from my colleague, Senator Blaisdell, that he has interpreted my remarks as having attacked Senator Torr personally. I have never done that on the Senate floor and I will probably apologize. I am upset with the process. I would never attack a Senator on the basis of any stand that he took. Secondly, I would just like to tell you that I think this bill really violates the constitutional convention and the court case the other day,

where you are mandating a cost to the town without funding it properly. You could be asking for a law suit because of the expeditious way in which you are doing this. I have been in the Senate for nine terms and I am not returning. I have never invoked Senatorial courtesy in all my years here. Nor have I ever forced into anyone's district, against their wishes without knowing how that community felt. Today, I am asking you to put yourselves in my position. If you make this a raw political vote, then do so. But I want to hold you accountable for what you are attempting to do without the knowledge of a community at this time.

SENATOR TORR: I would indicate to you that I empathize with the position of my good colleague from Hampton, Senator Preston. But I guess, we had to put the State sometimes above our own personal concerns. We indicated that we were going to do that with the office building. I would like to just point out a few facts, because I believe you probably already have your minds made up. I would have to fault the liquor commission. They spoke to me and I can't give you a specific time but probably near the end of January, the first of February indicating that they would like to put a liquor store on I-95 north. They talked about it at that time putting it possibly at the location of the toll plaza or maybe even the Seabrook rest station. They were supposed to come back to me with a proposition indicating what they were going to do. They failed to do that until this week. I find that unfortunate, because in fact, it doesn't give those persons involved in that area, politically, an opportunity to address their constituents. They probably should have, in the process, been addressing Senator Preston and also the representatives of that area. I do apologize for that not having happened. But let's take a little broader picture. And look at the Portsmouth traffic circle, where the existing liquor store is in place. In my opinion, and I believe it is the opinion of the liquor commission that store is pretty much maxed out. That gross is approximately 15 million dollars a year. I think you will find that the traveling public likes to go to a place that you almost have to follow. To go to the Portsmouth traffic circle, you have to get off your main route, in particular if you are a vacationer or tourist traveling to the State of Maine or to the northern part of New Hampshire. It has easy access on I-95. Easy access on, easy access off. It is a choice site basically. I would indicate to you that there may be some misconceptions. The property is not owned by the State at the present time. It would be something that may have to be acquired. I would also indicate to you that it may be prime industrial land because of the fact that it fronts on I-95, but the fact is that all there is to it is a dirt road at present. So in fact, gaining that industrial development, there would be a tremendous

cash outlay to put the structure into servicing. I think you have to look at the overall picture also, from the fact that it would generate in the opinion of the liquor commission, 1.5 million dollars. I think if you know the financial situation of the State at present, I think that something certainly has to have some strong consideration. If you want to take and turn aside 1.5 million dollars, here is your opportunity to do it. Let's take a good strong look at it, think about it.

SENATOR CHARBONNEAU: Senator Torr, how much do you think it is going to cost for this wetlands study, and if it is all wetlands, how can you possibly build on wetlands?

SENATOR TORR: Senator Charbonneau, I indicated to you and I have a map over here that came from Public Works and I could have it spread if you are interested in seeing it. The indication from Public Works was the fact that it is a possible 36 acres, in essence one third of that is wetlands. By geographic observation, the wetlands are around the circumferential edges of it. So therefore, it wouldn't impact where the liquor store would be located. You would be putting the liquor store on dry, high ground. It doesn't preclude the fact that in the process of seeking the permits, there would have to be soil tests taken to make sure that it has the proper soils for a site to be located there.

SENATOR CHARBONNEAU: In the last 30 minutes, would you believe that we have spent over 25 million dollars that has to be bonded? How do you think that this 25 million dollars is going to affect our bonding?

SENATOR TORR: If I may, I would like to correct that statement. We have intended to appropriate and some of it is bonding authorization basically. I would be naive if I told you that that was all going to pass, because we know in reality that a lot of that is going to shake out in the committee of conference process. To pay for it, I guess I have certainly indicated strongly how it is going to be paid for in this instance. Because they figure that upon start of operation, and they feel that the construction of this site would be approximately one year, and you know what happens when you project time. You are talking 1.5 million dollars here. To back it up a little bit, you are talking 9.4 million on the office complex. I figure the payback on that is roughly five years. I think that is a substantial savings to the State of New Hampshire. So I can understand the reluctance on some people to make investments at this time, but I think you have to look at this as being the most appropriate time to make that investment. Because of the gigantic savings.

SENATOR STEPHEN: I know it is late in the day but I am very interested when you are bringing revenue into the State, Senator Torr. This hasn't had a public hearing and shouldn't we think of the folks out in that town to see if they would be willing to go along with this. I am for this but could we hold this off to speak to the townspeople.

SENATOR TORR: To answer your question, quite truthfully there has been no public hearing as far as the legislative body is concerned. But let's back up a few years and go to a site that is basically located in North Hampton and I believe that it is Senator Preston's district, there was initial approval by the town of North Hampton indicating there would be no concern about putting a liquor store at that site. The State went ahead and purchased that property and then all of a sudden the roof caved in because the town of North Hampton totally opposed that. We are not sure that it is ever going to get beyond a town, the land at present is still zoned properly, commercial/industrial which is ideal for this type of setting.

SENATOR STEPHEN: Senator Torr, would you be willing to just wait for a short time, maybe another week, to discuss it with Senator Krasker who represents that area, and the selectman and the folks of that area? Can't we wait just another week? Also we are taking away home rule. That's what bothers me. I want to see the liquor store go up.

SENATOR TORR: I don't want to get into the debate on home rule. The curtain is coming down basically next Thursday, but regardless of what happens here today whether it is voted up or down, the process will probably go on. And I know Senator Preston will probably get some input from some of his constituents between now and next Wednesday when we take final action on our committee of conference reports. It may or may not appear in that committee of conference report.

SENATOR MAGEE: Senator Torr, my question will be going back to something Senator Charbonneau had a concern on, that being wetlands. Would you believe that I would be of the opinion that if the State were involved in a scenario where wetlands, if they would act in a rapid manner, through their agencies, if the State had a concern, if there was revenue involved in the State of New Hampshire, don't you think that whatever department has to go through, it would act in a reasonably fast manner?

SENATOR TORR: I would believe that if it is a chance to enhance the revenue stream to the State of New Hampshire, it would act in an expeditious manner but not a reckless manner.

SENATOR HEATH: Senator Torr, as chairman of the pertinent committee, have you ever been provided by the liquor commission of a list of the stores that are making a net profit after capital and operating costs?

SENATOR TORR: Yes, I have.

SENATOR HEATH: Could you tell me then, because I have failed to find the information as it relates to my concern that we should be doing a market driven store and instead of politically driven stores as I have seen traditionally here. Could you tell me how many liquor stores in New Hampshire are not making a net profit and how much we are losing in those stores on an annual basis?

SENATOR TORR: I would have to divert the question to somebody else. To the best of my knowledge there is no store in the State of New Hampshire that is losing money. But I would have to look into it.

SENATOR HEATH: Wouldn't you want to know that information before you went ahead with one more store?

SENATOR TORR: I think you have to look at it in a different philosophy. In this particular situation, you are looking at a market that wants to be had, basically. You have the tourists driving through on I-95, a sizable daily count, fifty thousand. When you present that opportunity to purchase their liquor right at their doorstep, they are going to take that opportunity. It is an opportunity for the State of New Hampshire to capitalize on the traveling tourists that travel through on I-95 to the State of Maine or even northern New Hampshire.

SENATOR JOHNSON: Senator Torr, isn't it generally true that liquor revenues have leveled off in New Hampshire?

SENATOR TORR: In the long run, I would have to indicate that that is true.

SENATOR JOHNSON: Would you agree with me that the demand for liquor is essentially inelastic?

SENATOR TORR: I guess I would have to have a definition of what you classify as inelastic.

SENATOR JOHNSON: Would you believe, that I believe, the term inelastic as used in my question here, has to do with whether or not you can increase the demand for liquor or tobacco, or whether it is relatively inelastic? Just the idea of putting up another store does

not in and of itself, indicate that we are going to sell more liquor because it is my belief that the demand for liquor is relatively inelastic.

SENATOR TORR: You may not increase the demand, but the demand is there and if you are the ones who have the ability to sell at the lowest, I think this is the opportunity.

SENATOR JOHNSON: Shouldn't really we have some idea, some better basis, for this kind of estimate of 1.5 million dollars of revenue? That kind of question puts us in the position of saying "gee whiz, I don't want to take advantage of a million and half dollars of revenue", when, in fact, it is only somebody's guess or estimate or guesstimate?

SENATOR TORR: I can't answer this on the foundation of having some knowledge of what the liquor commission did to analyze their income. I would have to guess that the estimate has to correlate somehow to what takes place in the southbound store.

SENATOR BLAISDELL: There is no one in this room that I have any more respect for than Senator Preston. But I sat with Senator Torr for the past four years and I give a tremendous amount of respect to him. I hope you people realize what has happened in the last few days and the amendments that have been passed by all of us. We have been here most of the week, quite a few hours a day trying to decipher all of these things. We also charged the department heads in our State with maximizing revenue. I can not fault Senator Torr but I can not fault Senator Preston. I am going to vote with Senator Torr as a courtesy to the man who has been on my committee for four years, who has worked damn hard. I didn't mean to question his integrity, but I just didn't want to see two fine Senators be on each other. It just kind of hurt a little bit to see both of you go at it, because you are both fine Senators. This is a vote that I will make myself. It is my own. I just wanted to let you know that in the last few days we have gone through quite a bit here. We have put a lot of amendments on bills. I think that maybe through the good graces of Senator Torr, he tried to do something what he thought was right for the State of New Hampshire. I'll have to back him against my friend, who I feel very deeply about.

11 Appropriation; Liquor Commission. The sum of \$3,750,000 is hereby appropriated to the liquor commission for the biennium ending June 30, 1991, for land acquisition, design fees and construction of a liquor store in Hampton on the northbound side of I-95.

12 Bonds. To provide funds for the appropriation in section 11 of this act, the state treasurer is hereby authorized to borrow upon the

credit of the state not exceeding the sum of \$3,750,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

13 Payments. The payment of principal and interest on bonds and notes issued for the project in section 12 shall be made when due from the general fund.

14 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill appropriates funds for construction of a new Rockingham county courthouse on county-owned land in Brentwood.

The bill also makes an appropriation for the purchase and installation of furnishings, equipment, and a security system for the Hillsborough county superior court.

The bill appropriates funds to the department of administrative services for the design and construction of a new general office building in Concord.

The bill appropriates funds to the liquor commission for land acquisition, design fees and construction of a liquor store in Hampton on the northbound side of I-95.

Question on Sections 11, 12 and 13.

Roll Call requested by Senator Preston.

The following Senators voted yes: Freese, Hough, Dupont, Currier, Roberge, Blaisdell, Magee, Nelson, Charbonneau, Podles, Bartlett, St. Jean, Torr, Delahunty.

The following voted no: Bond, King, Heath, Disnard, Bass, McLane, Johnson, Stephen, Preston, Krasker.

14 Yeas

10 Nays.

Amendment adopted. Ordered to Third Reading.

HB 1304-FN, establishing a committee to study mobile health care units.

Ought To Pass With Amendment. Senator Hough for the committee.

SENATOR HOUGH: The Senate Finance Committee amendment to HB 1304 is that vehicle which the Senate Finance Committee, on behalf of the members, committed the resources that we ultimately have available to reinstate those recisions in the human service component. Specifically the amendment appropriates the sum of \$77,000

and \$250,000 in the second year for the catastrophic illness program in the Department of Health. \$30,000 and \$58,000 in the second year of the biennium to maintain the immunization program. It staffs the new wing in the Veteran's home which is up and ongoing and ready to be occupied. That is what the Senate Finance Committee amendment accomplishes and at this point I would defer to the chair of the policy committee who can give you further indication how vitally important these appropriations are. And on the conclusion of her remarks and the hopeful adoption of this amendment, there will be two floor amendments, one offered by Senator Roberge and another offered by myself, Senator Torr and Senator Dupont that we will explain to you. They are very minor, but they address areas that have come to our attention in the last twenty-four hours, and the appropriations are within \$10,000.

SENATOR KRASKER: I would commend Senate Finance for honoring the commitment that the Senate made the day that we passed the supplemental budget. At that time, we said our priority was going to be to replace in the budget the monies for programs that were eliminated in the budget cutting. In 1304, the Public Institutions Committee provided the vehicle to reinstate monies for catastrophic illness program, for the immunizations, and for the dental program. I am very pleased and I know my committee is, to see that that money has been put back for catastrophic illness, particularly the second year has been reinstated. The important immunization program will continue. It is our regret that there is not the money available for the dental program. I would hope that in the next budget that the first priority in Human Services would be the replacement of this dental program. Without this program, there are thousands of New Hampshire children who will get no dental care in the rural areas, low income children are no longer getting dental care. We are one of eight States in the country without a dental program, so I thank you for what you have done. And hope that in the next budget, dental will be the first program to be put into the budget.

SENATOR DISNARD: I would like to thank the Finance committee. I don't usually stand up and do this, but of the five families that have contacted me in my area, concerned that they were going to have a family member lose, these are poor families, dialysis and money to transport them, this is going to make their Easter. And they are going to thank the good Lord and I want to thank the committee for them.

Amendment to HB 1304-FN

Amend the bill by replacing all after section 6 with the following:

7 Appropriations. The sum of \$77,000 for the fiscal year ending June 30, 1990, and the sum of \$250,000 for the fiscal year ending June 30, 1991, and the sum of \$30,000 for the fiscal year ending June 30, 1990, and the sum of \$58,000 for the fiscal year ending June 30, 1991, are hereby appropriated to the division of public health services, department of health and human services for the purposes of the catastrophic illness program and the immunization program, respectively. These appropriations are in addition to any other funds appropriated to the division of public health services. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

8 Appropriation; Veterans' Home. The sum of \$513,118 is appropriated to PAU 05, 02, 01, veterans' home, professional care, for the fiscal year ending June 30, 1991. This sum is in addition to any other funds appropriated to PAU 05, 02, 01. Of the total amount appropriated, \$170,730 shall be from the general fund, \$162,796 shall be from federal funds, and \$179,592 shall be from other funds. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

9 Appropriation; Veterans' Home. The sum of \$274,859 is appropriated to PAU 05, 02, 02, veterans' home, custodial care, for the fiscal year ending June 30, 1991. This sum is in addition to any other funds appropriated to PAU 05, 02, 02. Of the total amount appropriated, \$91,455 shall be from the general fund, \$87,204 shall be from federal funds, and \$96,200 shall be from other funds. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

10 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of developing a mobile unit system to provide health care to persons in rural areas. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house and the senate president, no later than October 15, 1991.

The bill also makes appropriations to certain programs in the division of public health services, department of health and human services, and to the veterans' home.

Amendment adopted.

Senator Roberge offered a floor amendment.

SENATOR ROBERGE: This is Easter week. This is also the resurrection of SB 396 as it originally passed the Senate with some minor changes. The objectionable aspects of this version have been removed. The penalty for a minor who is connected with a drug offense is the loss of a license for a least one year or up to five years. I ask you to pass it. You have passed it once. It was changed considerably in the House and was defeated in the House. It is coming back to us again.

Floor Amendment to HB 1304-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study mobile health care units,
making certain appropriations, and relative to
possession of drugs while driving.

Amend the bill by replacing all after section 9 with the following:

10 Possession of Drugs While Driving; Period of License Revocation Extended. Amend RSA 265:80 to read as follows:

265:80 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his possession or in any part of the vehicle a controlled drug **or controlled drug analog** in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his license shall be revoked or his right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years.

11 Age Limit Specified. Amend RSA 263:56-b, III to read as follows:

III. Any person **who is 15 years of age or older and not yet 18 years of age on the date of the incident, and** who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for the offense of possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, shall be subject to revocation or denial of a driver's license for a mandatory period of at least one year and a maximum period of up to 5 years. In the case of denial of an application for a license under this section, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

12 New Paragraph; Possession of Drugs with Intent to Sell; License Revocation. Amend RSA 263:56-b by inserting after paragraph III the following new paragraph:

IV. The driver's license or privilege to drive of any person who is 18 years of age or older on the date of the incident, and who is con-

victed of the offense of possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, may be revoked, at the discretion of the court, for any period of time, including for life. Any person convicted of such offense may be denied a driver's license at the discretion of the court, for any period of time, including for life. The court of relevant jurisdiction shall have the discretion to determine when the revocation shall begin.

13 Effective Date.

I. Sections 10-12 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of developing a mobile unit system to provide health care to persons in rural areas. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house and the senate president, no later than October 15, 1991.

The bill also makes appropriations to certain programs in the division of public health services, department of health and human services.

This bill requires that a minor who is at least 15 years of age and who is convicted of possession of a controlled drug with intent to sell have his license suspended for up to 5 years, with a mandatory minimum of one year.

The bill permits the court of relevant jurisdiction to suspend the license of a person who is at least 18 years of age on the date of the incident and who is convicted of the offense of possession of a controlled drug with intent to sell for any period of time that the court deems fit, including for life.

The bill also makes a minor technical change in the law relative to possession of controlled drugs while driving.

Amendment adopted.

Senators Hough, Dupont and Torr offered a floor amendment.

SENATOR HOUGH: This amendment is being offered by Senators Hough, Dupont and Torr. It is a technical amendment. It allows for the printing of the rules and regulations for the board of nurses registration. It is done within the appropriation of the agency and does not impact the general fund. It is a subject that has surfaced in the last twenty-four hours. It was brought to us by the ranking majority member, Representative Torr, and this body has responded to the needs of our colleagues in the House by acting here expeditiously.

Floor Amendment to HB 1304-FN

Amend the title of the bill by replacing it with the following:

AN ACT

establishing a committee to study mobile health care units,
making certain appropriations, relative to possession
of drugs while driving, and transferring funds
within the board of nurses registration.

Amend the bill by replacing all after section 12 with the following:

13 Transfer of Funds. Within PAU 05, 01, 02, 06, the sum of \$10,000 shall be transferred from class line 10, personal expenses-permanent, to class line 20, current expenses for fiscal year 1990.

14 Effective Date.

I. Sections 10-12 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the feasibility of developing a mobile unit system to provide health care to persons in rural areas. The bill requires the committee to submit a report with its findings and recommendations for proposed legislation to the speaker of the house and the senate president, no later than October 15, 1991.

The bill also makes appropriations to certain programs in the division of public health services, department of health and human services.

This bill requires that a minor who is at least 15 years of age and who is convicted of possession of a controlled drug with intent to sell have his license suspended for up to 5 years, with a mandatory minimum of one year.

The bill permits the court of relevant jurisdiction to suspend the license of a person who is at least 18 years of age on the date of the incident and who is convicted of the offense of possession of a controlled drug with intent to sell for any period of time that the court deems fit, including for life.

The bill makes a minor technical change in the law relative to possession of controlled drugs while driving.

The bill also transfers certain funds from personal services to current expenses within the board of nurses registration for fiscal year 1990.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1225**, **HB 1367**, and **HB 1304** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1225, to define "retired state employee" for state employee group insurance purposes and relative to requests for reclassification or reallocation.

HB 1367, relative to construction of a new Rockingham county courthouse, to the purchase and installation of furnishings, equipment and a security system for the Hillsborough county courthouse, to the design and construction of a general office building, and to the I-95 Hampton northbound liquor store, and making appropriations therefor.

HB 1304, establishing a committee to study mobile health care units, making certain appropriations, relative to possession of drugs while driving, and transferring funds within the board of nurses registration.

RECONSIDERATION

Senator Bond moved reconsideration on **HB 1248**, relative to monitoring the reassessment of taxable property by the department of revenue administration, relative to payments in lieu of taxes for certain waste to energy facilities, relative to annual registration fees for class AA dams.

Adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: If you look on page 23 you will find the amendment that we passed. After some discussion about the amendment, it has come to our attention that there is a serious problem with a section of the amendment which is section 4-a. Basically, what my amendment does is it takes out that section. It is our understanding that the policy committee had looked at this and had no problem with it. Now it appears that there is a significant amount of problems that this will cause. So basically, what I am doing with my floor amendment is taking that section out. I spoke to Senator Bond about it, he is in agreement that that section should not go forward as does the House at this point in time.

Floor Amendment to HB 1248-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to monitoring the reassessment of taxable property
by the department of revenue administration, relative
to payments in lieu of taxes for certain waste
to energy facilities, relative to annual
registration fees for class AA dams
and making an appropriation
therefor, and relative to
the wetlands board.

Amend the bill by replacing sections 3 and 4 with the following:

3 Eliminating Annual Registration Fees for Class AA and Class A
Dams. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee.

I. Annual registration fees for dams shall be payable to the division of water resources on March 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA [482:11] 482:15. Yearly dam registration fees based on the following dam classification shall be as follows: [Class AA = \$20;] Class A = \$50; Class B = \$200; Class C = \$300. Revenues from this annual registration are to be collected by the division and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

II. Appropriation: There is hereby appropriated annually the sum of \$45,000 to be deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 New Paragraph; Application Fee for Department of Transportation. Amend RSA 482-A:3 by inserting after paragraph VI the following new paragraph:

VI-a. The wetlands board may enter into a memorandum of agreement with the department of transportation in which the wetlands board will accept technical or consulting services from the department in place of having the department pay the entire dollar amount of the permit application fees otherwise charged under this section, and which shall be equivalent in value to the fees otherwise charged. Notwithstanding any other provision of this section, the maximum dollar amount of any permit application fees which shall be charged to the department of transportation shall be \$10,000 per application. If the dollar amount of a permit application fee exceeds

\$10,000 the balance of the fee which is due shall be paid by the department of transportation by having the department provide the technical or consulting services which shall be needed by the wetlands board as part of the application process.

5 Effective Date.

I. Sections 1 and 4 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

The bill allows cities and towns to enter into agreements with certain energy producers that also qualify as approved facilities under RSA 149-M for solid waste management purposes to make payments in lieu of taxes.

The bill eliminates the annual registration fee for class AA dams, and makes an annual appropriation of \$45,000 to the dam maintenance fund to be used for dam inspection.

The bill also permits the wetlands board to enter into agreements with the department of transportation in which the wetlands board will accept technical or consulting services as part of the permit application fees otherwise charged.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator Bond moved to removed **HB 1129**, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor from the table.

Adopted.

Senator Currier offered a floor amendment.

SENATOR CARRIER: This amendment is very simple. On page 5 of the Senate calendar of April 6 the committee amendment provided a section 4 which dealt with town annexation procedure. What

my amendment basically does is withdraw that from the committee amendment and ultimately from the entire bill. I have some real concerns about adding this particular measure on to the original bill. Quite frankly, it deals with some of the concerns that Senator Preston alluded to in the previous piece of legislation dealing with the town of Hampton. Basically, it deals with upon receipt of such property, the selectmen shall insert the warrant for the next annual town meeting and that article substantially in the following fashion. Which means that it shall. So one town can dictate to another town that they shall put this annexation provision in a town warrant. There is another procedure dealing with most of the provisions for bonding and other measures dealing with cities and town. Usually it requires two-thirds vote. This does not, in fact, address anything dealing with two-thirds vote, and quite frankly there are lot of concerns that I and other municipal leaders have in regards to the bill. For ninety years, this legislature has actually taken the process of dealing with annexation in individual bills. We did one recently in this session dealing with Albany and Sandwich which went through quite successfully. I think there is, in fact, a need to maybe come up with a procedural way to deal with these measures, but to do it on this bill at this time without getting some feedback from the local municipalities in terms of some other ideas of handling this procedurally. I think that we should not deal with this at this time and I would urge you to support the floor amendment and delete this from that section of the bill.

Floor Amendment to HB 1129-FN-A

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill makes an appropriation to the department of environmental services for the purposes of cleaning up the Gilson Road waste site. The project shall be conducted by the department of environmental services in cooperation with the department of transportation.

Amendment adopted.

Senator Bond offered a floor amendment.

SENATOR BOND: This floor amendment establishes the procedure for administrative fines in the Department of Environmental Services to facilitate enforcement of their rules and the statutes. It also provides for an additional member, representative of private indus-

tries that develop hazardous waste, to serve on the waste management council. The reason for this is that we have removed septage today from solid waste and classified it as sewage and waste water. This leaves them deficient one member of the waste management council.

Floor Amendment to HB 1129-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to a town annexation procedure and relative to the waste management council.

Amend the bill by replacing section 5 with the following:

5 New Section; Administrative Fines Added. Amend RSA 149-M by inserting after section 12 the following new section:

149-M:12-a Administrative Fines. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. A schedule of administrative fines which may be imposed under this section for violation of this chapter.

II. Procedures for notice and hearing prior to the imposition of an administrative fine.

6 New Subparagraph; Member Added to Waste Management Council. Amend RSA 21-O:9, I(j) and (k) to read as follows:

(j) A representative of the septage hauling industry, nominated by the New Hampshire Association of Septage Haulers; [and]

(k) A representative of communities which recycle or recover solid waste, representing the public interest, nominated by the New Hampshire Resources Recovery Association[.] **and;**

(l) A representative of private industries that generate hazardous waste.

7 Effective Date.

I. Section 5 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes an appropriation to the department of environmental services for the purposes of cleaning up the Gilson Road waste site. The project shall be conducted by the department of environmental services in cooperation with the department of transportation.

The bill establishes a town annexation procedure.

The bill authorizes the commissioner of environmental services to assess administrative fines for violation of RSA 149-M.

The bill also adds a member to the waste management council.

Amendment adopted.

Senator Bond offered a floor amendment.

SENATOR BOND: It was this amendment which was the cause for tabling HB 1129 on Tuesday so that we could have an informational hearing this morning. That informational hearing was productive and in fact, we found that if we had passed it on Tuesday, we would have banned French wines from the liquor system in the State of New Hampshire. So this amendment incorporates that defect in the original amendment. The bill is intended to reduce and ultimately eliminate certain toxic materials from the waste stream, from incineration and from solid waste land fills. It has a definition of what minimal components by weight of various toxic materials are.

SENATOR DISNARD: Senator Bond, if an incinerator or a waste district already has a signed contract and this should limit the waste that they had to guarantee to pay for, could they by law take this out of the contract? Two years ago, I tried to have a recycling bill and I was told by the Attorney General's office that I couldn't do it because we already had a contract. I wanted to lower the amount of trash in the guarantee. What happens if the amount of trash that is taken away in these 27 towns has to live up to a guarantee of so much tonnage per year?

SENATOR BOND: First of all, Senator Disnard, I don't think that it is going to have a large impact, because it deals specifically with lead, cadmium, mercury, and hexavalent chromium. The effective date of this bill is January 1, 1991. There are two years, and then the possibility for an application for two more years before instituting the changes necessary. I think that the contracts between your towns and the waste to energy facility would be able to correct that in that time.

Floor Amendment to HB 1129-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of environmental services to cleanup the Gilson Road waste site and making an appropriation therefor, relative to a town annexation procedure, relative to the waste management council, and relative to toxics in packaging.

Amend the bill by replacing section 7 with the following:

7 New Paragraphs; Definitions Added. Amend RSA 149-M:1 by inserting after paragraph IV-a the following new paragraphs:

IV-b. "Commissioner" means the commissioner of the department of environmental services.

IV-c. "Department" means the department of environmental services.

8 New Paragraph; Definition Added. Amend RSA 149-M:1 by inserting after paragraph V the following new paragraph:

V-a. "Distributor" means any person, firm or corporation which takes title to goods purchased for resale.

9 New Paragraphs; Definitions Added. Amend RSA 149-M:1 by inserting after paragraph XI-a the following new paragraphs:

XI-b. "Package" means a container providing a means of marketing, protecting, or handling a product. "Package" shall include a unit package, an intermediate package, and a shipping container as defined in the American Society of Testing materials, public number D996. "Package" shall also mean and include such unsealed receptacles as carrying cases, crates, cups, pails, rigid foil, and other trays, wrappers and wrapping films, bags and tubs.

XI-c. "Packaging component" means any individual assembled part of a package including, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks and labels.

10 New Paragraph; Definition Added. Amend RSA 149-M:1 by inserting after paragraph XIII the following new paragraph:

XIII-a. "Post-consumer material" means only those products generated by either a commercial entity or consumer which have served their intended end uses and which have been separated or diverted from solid waste for the purposes of collection, recycling, and disposition.

11 New Subdivision; Toxics in Packaging. Amend RSA 149-M by inserting after section 24 the following new subdivision:

Toxics Reduction

149-M:25 Statement of Purpose. The general court finds that the presence of heavy metals in packaging is to be considered a matter of concern in connection with the overall solid waste stream because such metals are likely to be present in leachate when packaging is landfilled or in emissions when packaging is incinerated. The general court further finds that lead, cadmium, mercury, and hexavalent chromium, on the basis of available scientific and medical evidence, are of particular concern and that elimination of the addition of these heavy metals to packaging is a desirable first step in reducing the toxicity of packaging waste. Further, the general court finds that such a reduction in the toxicity of packaging waste should be accomplished without impeding or discouraging the expanded use of recycled materials in the production of packaging and its components.

149-M:26 Prohibition; Schedule for Removal of Intentional and Incidental Amounts. The schedule for removal of lead, cadmium, mercury, or hexavalent chromium in any package or packaging component shall be as follows:

I. As soon as feasible, but not later than 2 years after the effective date of this subdivision, no package or packaging component shall be offered for sale or for promotional purposes by its manufacturer or distributor in the state of New Hampshire, which includes, in the package itself or in any packaging component, inks, dyes, pigments, adhesives, stabilizers or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as a element during manufacturing or distribution. This prohibition shall not apply to the incidental presence of any of these elements.

II. As soon as feasible, but not later than 2 years after the effective date of this subdivision, no product shall be offered for sale or for promotional purposes by its manufacturer or distributor in the state of New Hampshire in a package which includes, in the package itself or in any of its packaging components, inks, dyes, pigments, adhesives, stabilizers, or any other additives, any lead, cadmium, mercury, or hexavalent chromium which has been intentionally introduced as an element during manufacturing or distribution. This prohibition shall not apply to the incidental presence of any of these elements.

III. The sum of the concentration levels of lead, cadmium, mercury, and hexavalent chromium present in any package, packaging component, incidentally present, shall not exceed the following:

(a) 600 parts per million by weight (0.06 percent), effective 2 years after the effective date of this subdivision.

(b) 250 parts per million by weight (0.025 percent), effective 3 years after the effective date of this subdivision.

(c) 100 parts per million by weight (0.01 percent), effective 4 years after the effective date of this subdivision.

149-M:27 Exemptions. All packages and packaging components shall be subject to this subdivision, except the following:

I. Those packages or package components with a code indicating that the date of manufacture was prior to the effective date of this subdivision.

II. Those packages or packaging components to which lead, cadmium, mercury, or hexavalent chromium have been added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of federal law or for which there is no feasible alternative, provided that the manufacturer of a package or packaging component petitions the commissioner for any exemption from the provisions of this subdivision for a particular package or packaging component based upon either criterion. The commissioner may grant a 2-year exemption if warranted by the circumstances, and such an exemption may, upon meeting either criterion of this paragraph, be renewed for 2 years. For purposes of this paragraph, a use for which there is no feasible alternative is one in which the regulated substance is essential to the protection, safe handling, or function of the package's contents.

III. Packages and packaging components that would not exceed the maximum contaminant levels set forth in RSA 149-M:26, III, but for the addition of post-consumer materials. The exemption under this paragraph shall expire 6 years after the effective date of this subdivision.

IV. Bottles containing liquor, as defined in RSA 175:1, which have lead foil tops and baskets as seals.

149-M:28 Certificate of Compliance.

I. As soon as feasible but not later than 2 years after the effective date of this subdivision, a certificate of compliance stating that a package or packaging component is in compliance with the requirements of this subdivision shall be furnished by its manufacturer or supplier to its purchaser. If compliance is achieved under RSA 149-M:27, II or III, the certificate shall state the specific basis upon which the exemption is claimed. The certificate of compliance shall be signed by an authorized official of the manufacturing or supplying company. The purchaser shall retain the certificate of compliance for as long as the package or packaging component is in use. A copy of the certificate of compliance shall be kept on file by the manufacturer or supplier of the package or packaging component. Certifi-

cates of compliance, or copies thereof, shall be furnished to the department and to members of the public in accordance with RSA 149-M:32.

II. If the manufacturer or supplier of the package or packaging component reformulates or creates a new package or packaging component, the manufacturer or supplier shall provide an amended or new certificate of compliance for the reformulated or new package or packaging component.

149-M:29 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for petitions for exemption pursuant to RSA 149-M:27, including renewals of exemptions.

II. Procedures for certificates of compliance pursuant to RSA 149-M:28.

III. A schedule of administrative fines which may be imposed under RSA 149-M:30, VI.

IV. Procedures for notice and hearing prior to the imposition of an administrative fine under RSA 149-M:30, VI.

149-M:30 Enforcement.

I. The commissioner may issue an order to any person in violation of this subdivision, any rule adopted under this subdivision or any condition in any exemption granted under this subdivision to comply with the subdivision, the rule or condition, and may require such remedial measures as may be necessary.

II. The commissioner may request the attorney general to bring a civil action in superior court for appropriate relief, including a temporary or permanent injunction, or both, to enforce any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this subdivision.

III. Any person who knowingly violates any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this subdivision or who makes or certifies a material false statement relative to any certificate of compliance required by this subdivision shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person. Each day of a continuing violation shall constitute a separate violation.

IV. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than \$25,000 if found guilty of any violation pursuant to paragraph III.

V. Any person who violates any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this

subdivision or who makes or certifies a material false statement relative to any certificate of compliance required by this subdivision shall be subject to a civil forfeiture not to exceed \$25,000 for each violation. Each day of a continuing violation shall constitute a separate violation.

VI. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each violation upon any person who violates any provision of this subdivision, any rule adopted under this subdivision, any condition in any exemption granted under this subdivision, or any order issued pursuant to this subdivision or who makes or certifies a material false statement relative to any certificate of compliance required by this subdivision. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of other penalties under this chapter.

149-M:31 State Review. The commissioner shall, in consultation with the Source Reduction Council of the Coalition of Northeast Governors (CONEG), review the effectiveness of this subdivision no later than 36 months after its adoption and shall provide a report based upon that review to the governor, president of the senate and speaker of the house. The report may contain recommendations to add other toxic substances contained in packaging to the list set forth in this subdivision in order to further reduce the toxicity of packaging waste, and shall contain a recommendation whether to continue the recycling exemption provided in RSA 149-M:27, III, and a description of the nature of the substitutes used in lieu of lead, mercury, cadmium, and hexavalent chromium. Any recommendations to add substances to the list that have not been recommended by the CONEG Source Reduction Council shall include a determination of whether the action presents or will present an unreasonable risk to health or the environment, utilizing a nationally recognized risk assessment protocol.

149-M:32 Public Access. Any member of the public may request a certificate of compliance from a manufacturer or supplier of packaging or of a packaging component. The request shall be in writing and shall specifically state the packaging component or package information requested. A copy of the written request shall be provided to the department. The manufacturer or supplier of the package or packaging component shall respond in writing within 60 days of receiving such request. A copy of the response shall also be provided to the department.

12 Effective Date.

I. Section 5 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill makes an appropriation to the department of environmental services for the purposes of cleaning up the Gilson Road waste site. The project shall be conducted by the department of environmental services in cooperation with the department of transportation.

The bill establishes a town annexation procedure.

The bill establishes a time schedule to reduce toxics in packaging.

The bill authorizes the commissioner of environmental services to assess administrative fines for violation of RSA 149-M.

The bill also adds a member to the waste management council.

Amendment adopted. Ordered to Third Reading.

REMOVED FROM THE TABLE

Senator King moved to remove **HB 690**, relative to surplus funds and expenditures by candidates from the table.

Failed.

SUSPENSION OF THE RULES

Senator Dupont moved that Joint Rules and Senate Rules be suspended to allow the introduction of a House Bill after the deadline.

Adopted.

INTRODUCTION OF HOUSE BILLS

Senator Dupont offered the following Resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1506 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

First and Second Reading and Referral

HB 1506-FN, relative to state employee layoffs. (Joint referral to Exec. Depts. and Finance)

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1409**, **HB 1439**, **HB 1248**, **HB 1225**, **HB 1367**, **HB 1304**, **HB 1129** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1409, relative to workers' compensation and making an appropriation therefor.

HB 1439, relative to the reimbursement to the state for certain services rendered at race tracks and unclaimed ticket money.

HB 1225, to define "retired state employee" for state employee group insurance purposes and relative to requests for reclassification or reallocation.

HB 1367, relative to construction of a new Rockingham county courthouse, to the purchase and installation of furnishings, equipment and a security system for the Hillsborough county courthouse, to the design and construction of a general office building, and to the I-95 Hampton northbound liquor store, and making appropriations therefor.

HB 1304, establishing a committee to study mobile health care units, making certain appropriations, and transferring funds within the board of nurses registration.

HB 1248, relative to monitoring the reassessment of taxable property by the department of revenue administration, relative to payments in lieu of taxes for certain waste to energy facilities, relative to annual registration fees for class AA dams and making an appropriation therefor, and relative to the wetlands board.

HB 1129, authorizing the department of environmental services to cleanup the Gilson Road waste site and making an appropriation therefor, relative to a town annexation procedure, relative to the waste management council, and relative to toxics in packaging.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill with amendment, and the passage of the which amendment the House of Representatives asks the concurrence of the Senate:

**SENATE REFUSES TO CONCUR WITH AMENDMENT
REQUESTS COMMITTEE OF CONFERENCE**

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations.

Senator Freese moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Freese, Disnard, Bass.

SB 378, making technical amendments to the liquor laws.

Senator Freese moved nonconcurrence and requested a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Freese, Disnard, Bartlett.

HOUSE MESSAGE

The House of Representative refuses to concur with the Senate in the adoption of the amendments to the following entitled Bills and requests a committee of conference.

SENATE ACCEDES TO HOUSE REQUEST FOR A COMMITTEE OF CONFERENCE

HB 1083, establishing speed limits for the operation of OHRVs.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, King, Currier.

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor.

Senator Disnard moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of Senate are: Senators Disnard, Bond, Magee.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor.

Senator Dupont moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Dupont, St. Jean, Bartlett.

HB 1182, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations.

Senator Torr moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Torr, Nelson, Roberge.

HOUSE MESSAGE

HOUSE ACCEDES TO SENATE REQUEST FOR A COMMITTEE OF CONFERENCE

The House of Representatives accedes to the request of the Senate for a Committee of Conference on the following entitled Bills:

SB 384-FN-A, relative to medical examiners and making an appropriation therefor.

Conferees on the part of the House are: Representatives Sochalski, Chase, Tarplay, Weymouth.

SB 390, relative to laws regarding abuse and neglect of children.

Conferees on the part of the House are: Representatives Bean, Brady, L. Johnson, Bowers

SB 398, relative to the east-west highway study.

Conferees on the part of the House are; Representatives Phelps, McNerney, A. Torr, Callaghan.

HOUSE MESSAGE

The House of Representatives has voted to lay on the table the following Bill sent down from the Senate:

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate:

HB 1102-FN, relative to Route 16 in Conway.

HB 1178-FN-A, relative to marital masters and making an appropriation therefor.

HOUSE MESSAGE

The House of Representative refuses to concur with the Senate in the passage of the following amendments and requests a committee of conference.

SENATE ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 1225, to define "retired state employee" for state employee group insurance purposes.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Dupont, Torr.

HB 1367, relative to the construction of a new Rockingham county courthouse and making an appropriation therefor.

Senator Torr moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Torr, Nelson, Roberge.

HB 1304-FN, establishing a committee to study the passenger motor vehicle insurance market in New Hampshire.

Senator Krasker moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Krasker, McLane, Hough.

HB 1248, relative to monitoring the reassessment of taxable property by the department of revenue administration.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Dupont, Torr.

HB 1439-FN, relative to reimbursement to the state for certain services rendered at race tracks.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Hough, Delahunty.

HB 1409-FN, relative to workers' compensation and making an appropriation therefor.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Hough, Podles.

HB 1405-FN-A, relative to sludge and septage management programs.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, Blaisdell, Torr.

HB 1231-FN, relative to the 10-year state highway plan and the governor's advisory commission on highways.

Senator Torr moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Torr, Preston, Roberge.

HB 1229-FN, relative to organizational and personnel changes within the department of corrections.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Dupont, Torr.

HB 430-FN, relative to certification of real estate appraisers.

Senator St. Jean moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators St. Jean, Bartlett, Preston.

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control.

Senator Bond moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Bond, Blaisdell, Torr.

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges.

Senator Blaisdell moved to accede to the House request for a committee of conference.

Adopted.

Conferees on the part of the Senate are: Senators Blaisdell, Hough, Podles.

HOUSE MESSAGE

The House of Representatives accedes to the request for a committee of conference on the following entitled bills:

SB 343-FN, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

Conferees on the part of the part of House are: Representatives M. MacDonald, B. Gage, Dunn, C. Brown.

SB 367-FN, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits.

Conferees on the part of the House are: Representatives K. MacDonald, Burton, B. Gage, S. Cole.

SB 325, establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

Conferees on the part of the House are: Representatives Fraser, Christy, Provencal, p. Rogers.

SB 340-FN-A, establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.

Conferees on the part of the House are: Representatives Pappas, R. Foster, Copenhaver, Hager.

SB 333-FN-A, making a supplemental appropriation to aid the sensory impaired.

Conferees on the part of the House are: Representatives Hager, Senter, A. Knight, Pignatelli.

SB 377-FN, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system.

Conferees on the part of the House are: Representatives M. MacDonald, Campbell, Dyer, Ward.

SB 406-FN, relative to creditable service for retirement purposes for teachers who job share.

Conferees on the part of the House are: Representatives K. MacDonald, B. Gage, J. King, E. Robinson.

SB 371-FN, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations.

Conferees on the part of the House are: Representatives M. MacDonald, Goulet, Kane, Hager.

ENROLLED BILL AMENDMENTS

Enrolled Bill Amendment to HB 519-FN

Amend RSA 205-C:1, II as inserted by section 2 of the bill by replacing line 1 with the following:

II. "BOCA Basic Building Code" means the most recent edition of the

Amend RSA 205-C:7, IV as inserted by section 2 of the bill by replacing line 2 with the following:

chapter shall be the same as for violations of RSA title LXIV, as stated in

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to SB 402-FN-A

Amend section 8 of the bill by replacing line 5 with the following:

pursuant to this section. The governor is authorized to draw his warrant for

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1300

Amend the bill by replacing section 3 with the following:

3 Contingency. If HB 1200, An Act to change the name of the governor's commission for the handicapped, becomes law, the term "handicapped" in RSA 204-C:11-a, II as inserted by section 1 of this act shall be changed to "disabled".

4 Effective Date. This act shall take effect 60 days after its passage.

ENROLLED BILLS

HB 390, relative to the New Hampshire retirement system investment practices.

HB 1078, relative to the authority of the Gunstock Area to use borrowed money for capital improvements.

HB 1376, relative to a public water rights report and legislative study committee.

SB 354, relative to temporary emergency motor vehicle registration and the place of business of wholesale motor vehicle dealers.

SB 370, authorizing the reinstatement of previously discontinued highways within a town by a vote on an article in the warrant.

SB 403, establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.

HB 442, establishing a lakes management and protection program.

HB 562, making technical changes in the election laws.

HB 1054, relative to memorials for veterans and relative to the real estate exemption for surviving spouses of veterans.

HB 1068, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds.

HB 1143, relative to registration and operation of OHRVs.

HB 1227, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect.

HB 1200, to change the name of the governor's commission for the handicapped.

HB 1341, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester.

HB 1360, relative to the regulation of private detectives.

HB 1364, relative to energy conservation standards in new building construction.

HB 1389, relative to the taxation of banks and relative to the communications services tax and making an appropriation therefor.

Senator Dupont moved that the Senate be in recess until Thursday, April 19, 1990 at 1:00 p.m. for the sole purpose of receiving House Messages and Enrolled Bill Reports.

Adopted.

Recess.

April 19, 1990

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn until Thursday, April 19 at 1:00 p.m.

Adopted.

LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjournment

April 19, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Lord, we thank You for the joy and hope of Easter with its message of newness of life. Be with us as we wind down this 1989-1990 session.

May you have good luck in your re-elections this fall, with an outlook of better things to come.

*God's blessing upon you all and your families until we meet again.
Amen*

Senator Bass led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House has voted to sustain the veto on **HB 1424-FN**, regulating abortion.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled Bills sent down from the Senate.

HB 1194, relative to liability of expenses for minors and children.

HB 1406-FN, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

HB 1389-FN-A, relative to taxation of banks.

RESOLUTION

Senators Nelson and Stephen introduced **Senate Resolution 7**, remembering the Armenian genocide of 1915-1923.

SR 7

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION

remembering the Armenian genocide of 1915-1923.

Whereas, 1,500,000 people of Armenian ancestry were victims of genocide perpetrated by the governments of the Ottoman Empire from 1915 to 1923; and

Whereas, at the outbreak of World War I, the Young Turk regime decided to deport the entire Armenian population of about 1,750,000 to Syria and Mesopotamia; and

Whereas, the plan of genocide consisted of deporting all Armenians of whatever age or condition of health to the totally barren Der-El-Zor region of what is now Syria; and

Whereas, the Armenians were deported to Der-El-Zor on foot, a death march in which more than 1,000,000 died of starvation or were killed; and

Whereas, thousands of Christian Armenians were tortured and murdered for refusing to accept Islam as their religion; and

Whereas, the atrocities inflicted on Armenians held in concentration camps and on the death marches to Der-El-Zor in the Syrian desert resemble those of the Holocaust of World War II; now, therefore, be it

Resolved by the Senate:

That the Senate of the state of New Hampshire strongly urges that April 24, 1990, be a day of remembrance of the 75th anniversary of the Armenian genocide of 1915-1923; and

That the Senate calls upon the people of New Hampshire to observe that day by remembering the 1,500,000 people of Armenian ancestry who lost their lives in the genocide of 1915-1923.

Adopted.

SUSPENSION OF THE RULES

Senator Dupont moved that the Rules of the Senate be suspended to dispense with the holding of a hearing, the notice of a committee report in the calendar, and that the bill be put on Second Reading at the present time.

Adopted.

COMMITTEE REPORTS

HB 1506 relative to state employee layoffs.

Ought to Pass with Amendment. Senator Dupont for the Executive Departments Committee.

SENATOR DUPONT: Earlier on in this session, when House Appropriations and Senate Finance got through and we adopted a budget, as part of that budget there was a reduction of approximately 6 million dollars that was required to be accomplished in or-

der to balance that budget. There were two pieces of legislation that were allowed in after the deadline in order to try and pursue a number of options to deal with the layoff of state employees. Those included early retirements, they included job-sharing. There was a whole list of things that came in that the House considered as part of the layoff package. What you have before you today in HB 1506 is a fairly simple piece of legislation that deals with medical and health benefits. It provides for the State to pay the full cost of three months of medical benefits for any employee who's been laid off, including some that were laid off earlier this year. And also, in the second six months to pay half the cost. After that they will be allowed to participate in the State's system but pay their own benefits. We heard the bill this morning. There is an amendment that was not in the calendar that is part of the work that was done this morning. It was a joint hearing between Senate Finance and Senate Executive Department. And our recommendation is Ought To Pass As Amended.

SENATOR DUPONT: We have a parliamentary inquiry in that the committee adopted the amendment as part of our report this morning, even though it was not included in the calendar. So I think that the recommendation of the committee was Ought To Pass With Amendment. I have not addressed the amendment, so I should perhaps speak to the amendment? Thank you. As part of our discussions this morning, there were also two amendments that were introduced. One of them deals with classified state employees and political activities by those employees. Quite simply, there is a process now that an employee of the State who runs for elective office and has a conflict of interest, the conflict of interest issue is taken to the our Director of State Employees, the Director of Personnel. She makes a determination at the consultation with the appointing authority for that person, in other words, the person's direct boss. What we are proposing as part of that change is that that dispute between those employees go to the Personnel Appeals Board. Secondly, the other change that it makes is that under the existing law, if there is a conflict of interest on one issue, it is not clear that that individual who is a State Employee but holds an elective office can abstain from voting on that one issue or has to give up either his or her job or the political office. This was brought to our attention. I didn't feel that it was appropriate to address it in a committee of conference, even though I think it is a very legitimate issue that needs to be dealt with. So it was done this morning during the public hearing and has had a public hearing as required and the SEA has looked at it, because they were unaware that I was bringing it in. They have no problem with it. And it really, I think, provides a better opportunity for someone who is put in a position where the con-

flict of interest is questioned. I think that both committees this morning felt after they received the explanation of why it was in here today that it is appropriate to be on this bill, in light of the fact that it has been brought to our attention.

The second amendment can be a little confusing. If you look at page five, there is a contingency clause on page five that addresses HB 1357. HB 1357 is now at the Secretary of State's Office awaiting signature of the Governor. There is a problem with it. Our amendment repeals HB 1357, the contested part, the contingency provision says that if HB 1357, comes into law, then our amendment takes precedence. If it doesn't, then our bill becomes law, this section seven, becomes the language that will go in the law. In other words, when the bill was drafted there is a section in it that is unclear that needs to be clarified. It was brought to our attention. The bill is already being enrolled, so we can't pull it back. So this is the way that we are trying to deal with it.

SENATOR BOND: Following up on what Senator Dupont has said, we passed and it is now an enrolled bill, which gave rulemaking authority to the Commissioner of Environmental Services. In it, we exempted the Wetlands Board, the Well Water, and the State Board of Licensing of Plumbers. The language was questionable in it, and so the intent here is simply to clarify that language. It's no change of any policy, and as Senator Dupont explained, whichever bill becomes effective first, this language will make the new language the statute.

SENATOR MCLANE: Senator Dupont, does this bill have a cost to it, a price?

SENATOR DUPONT: Senator, there is a little bit of dispute about the cost because of the fact that the number of State employees that are ultimately going to be laid off as a result of our actions is still unclear at this point in time. I'm told that on Friday that we will have the cost. The committee asked, Senator Disnard in particular, asked for specific numbers. We adjourned, recessed for fifteen minutes to get that information. It appears that the number is somewhere around \$200,000 at this point in time. We did consider extending those benefits farther than the six-month period, of paying for a whole year. Both committees were uncomfortable with doing that because we didn't feel that the money was available to do it.

SENATOR MCLANE: One more question. Don't you think it would be a wonderful idea if the House passed the smokeless tobacco tax, and therefor we were guaranteed at least \$500,000 coming into the State in light of the bill that we are passing today.

SENATOR DUPONT: Senator, it might be a wonderful idea. The Senate Executive Departments Committee had some difficulty themselves whether or not we should even offer this to the State employees. I know there was some discussion about that. But, I think that we are, we, Senate Finance and Executive Departments felt, that after the discussion that this was something that we ought to do given the circumstances and as a member of Finance, it would be nice to have another million dollars.

SENATOR NELSON: Thank you. On page four of the bill reference seven, it repeals, reference to repeal section deleted and I wasn't clear if it's deleting responsibility or number six? What is this part of, I didn't quite get it?

SENATOR DUPONT: Senator, that is the repeal of the existing reference that I would perhaps have to get a clarification on, but I believe it's part of. This all deals with the rulemaking authority of the Commissioner of Environmental Services, whether or not he has the final say over rules or whether the independent segments of his agency have the ability to adopt rules.

SENATOR NELSON: Just one question, No, I didn't understand it. Because, if you read what this says, it says that its repealing this here, reference repealed responsibility director of Public Health Services in Health Risk Assessment; and then it says it will do as this, they will have responsibility for developing, proposing environmental quality standards criteria and guidelines. Are they throwing, putting in Environmental which was never there perhaps?

SENATOR DUPONT: Can you just hold on for five seconds and I'll get your clarification on this?

SENATOR NELSON: All right. I just wanted to make sure.

SENATOR NELSON: Yes, thank you, Senator Dupont did absolutely the greatest work.

HB 1506, relative to state employee layoffs.

Ought to Pass with Amendment. Senator Dupont for Finance Committee.

SENATOR DUPONT: Senate Finance took a look at the fine work of the Executive Department committee and made no amendments, and made no changes. So our recommendation is Ought To Pass as Amended.

AMENDMENT TO HB 1506

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state employee layoffs, classified state employees,
and the rulemaking authority of the commissioner
of environmental services.

Amend the bill by replacing section 3 with the following:

3 Classified State Employees; Political Activities. Amend RSA 21-I:52, I to read as follows:

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of his political opinions, religious beliefs or affiliations, age, sex, or race; provided, however, that nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which [conflicts with his employment] **creates an actual, direct and substantial conflict of interest with his employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting his classified employment.** Determination of such conflict shall be made by the [director of personnel after consultation with the appointing authority.] **personnel appeals board after the parties are afforded rights to a hearing pursuant to RSA 21-I:58. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable amount of time to leave his public office or other employment or otherwise end the conflict before the appointing authority initiates that action.**

4 Rulemaking Authority; Commissioner of Environmental Services. Amend RSA 21-O:3, IV to read as follows:

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this chapter; not otherwise provided for by law, and to adopt all rules necessary to implement the specific statutes administered by the department or by any division or unit within the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. [Rulemaking authority authorized under this section shall not affect the adoption of rules by the wetlands board, the water well board, or the state board for the licensing and regulation of plumbers.] **The wetlands board, the water well board, and the state board for the licensing and regulation of plumbers shall be exempt from the rulemaking provisions described in this section.**

5 Rulemaking Authority; Commissioner of Environmental Services. Amend RSA 21-O:3, IV to read as follows:

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this chapter; not otherwise provided for by law, **and to adopt all rules necessary to implement the specific statutes administered by the department or by any division or unit within the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. The wetlands board, the water well board, and the state board for the licensing and regulation of plumbers shall be exempt from the rulemaking provisions described in this section.**

IV-a. Have the authority to reorganize rules of the department to conform to the requirements of RSA 541-A and the uniform drafting and numbering system adopted by the division of administrative rules, office of legislative services. Reference changes shall be limited to title, chapter, part, and section designations and numbers and substitution of terms reflecting reorganization of the department to the existing statutory structure, and shall be made subject to review by the division of administrative rules, office of legislative services for consistency and accuracy of such changes. Such reference changes shall be integrated into the rules and such amendments to the rules shall become effective when notice of these reference changes is published by the director of legislative services in the rulemaking register. Reference changes made prior to January 1, 1992, shall be exempt from the procedures and requirements of RSA 541-A.

Changes authorized under this section shall not affect the adoption or expiration date of rules changed under this section.

6 Repeal. RSA 21-O:13, relative to rulemaking authority of divisions of the department of environmental services, is repealed.

7 Reference to Repealed Section Deleted; Responsibility of Director of Public Health Services in Health Risk Assessment Bureau. Amend RSA 125-H:3, IV to read as follows:

IV. The director shall have responsibility for developing proposed environmental quality standards, criteria and guidelines to protect human health. These shall be presented to the commissioner of environmental services for consideration by [his division directors] **him** for inclusion in [all] rules adopted by the [division directors under the provisions of RSA 21-O:13] **commissioner**.

8 Contingency.

I. If HB 1357, "An act relative to the rulemaking authority of the commissioner of environmental services," becomes law, section 4 of this act shall take effect at 12:01 a.m. on the effective date of HB 1357, and sections 5 and 6 of this act shall not take effect. If HB 1357 does not become law, sections 5 and 6 of this act shall take effect upon its passage and section 4 of this act shall not take effect.

II. If HB 1357 becomes law, section 7 of this act shall take effect on the effective date of HB 1357. If HB 1357 does not become law, section 7 of this act shall take effect upon its passage.

9 Effective Date.

I. Section 3 of this act shall take effect July 1, 1990.

II. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that state employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law be rehired, if positions for which the person meets the minimum requirements become available in any department or establishment, as long as such person is not currently employed by the state of New Hampshire. The same preference is to be given to any person bumped as a result of the layoffs. If more than one employee meets the qualifications for the position, the position is to be filled in order of seniority.

The bill also continues state-paid medical or health care coverage for state employees who were laid off or bumped as a result of the layoff process in 1990, 1:16 for 3 months in certain circumstances at 100 percent and for the next 3 months at 50 percent.

The bill clarifies when classified state employees can engage in political activities and allows state employees to cure any potential

conflicts of interest between their employment and political activities. The bill also clarifies how a determination of an impermissible conflict is made.

This bill authorizes the commissioner of environmental services to adopt rules for the department, and to reorganize the rules of the department and make certain reference changes in the rules to reflect departmental reorganization.

Amendment adopted.

Adopted. Ordered to Third Reading.

SUSPENSION OF RULES

Senator Dupont moved that the rules of the Senate be so far suspended as to allow HB 1506 to be placed on third reading and final passage, the title be the same as adopted, and that they be passed at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1506, relative to state employee layoffs, classified state employees, and the rulemaking authority of the commissioner of environmental services.

COMMITTEE OF CONFERENCE REPORTS

COMMITTEE OF CONFERENCE REPORT ON HB 149-FN

The committee of conference to which was referred House Bill 149-FN, An Act relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 485:1-a as inserted by section 2 of the bill by inserting after paragraph V the following and renumbering the original paragraphs VI-XVII to read as VII-XVIII, respectively:

VI. "Household equivalent" means water usage equal to 300 gallons per day.

Amend RSA 485:41, VIII as inserted by section 4 of the bill by replacing it with the following:

VIII. Adopt a fee system in recognition of services provided for the issuance of an operational permit for public water systems subject to this chapter. The division shall adopt rules establishing the application process for the issuance of operational permits pursuant to RSA 541-A. The fee category for community systems per year shall be \$600 for all systems serving more than 100 people, but in no case shall the fee exceed \$10 per household or household equivalent. The fee category for nontransient and noncommunity systems shall be \$200 per year. All fees shall be paid to the division for deposit in the operational permits account. Moneys in the operational permits account shall be used to pay the salary, benefits and expenses for the permanent full-time employees in the division's water supply engineering bureau, operation permits section. Any revenues generated in excess of the costs of funding the water supply engineering bureau, operation permits section, shall lapse to the general fund at the close of each fiscal year to be used to offset the future general fund appropriation for the water supply engineering bureau.

Amend paragraph I of section 6 of the bill by replacing it with the following:

I. Amend 1989, 365:1, as amended by 1990, 1:1 by inserting after PAU 03, 04, 03, 04, 02 the following new PAU:

03 Resource protection and development

04 Department of environmental services

03 Division of water pollution

04 Water supply programs

03 Operation permits

	FY 91
10 Personnel services - permanent*	\$193,224
20 Current expenses	27,500
30 Equipment	23,500
50 Personnel services - other	10,000
60 Benefits	54,539
70 In-state travel	15,000
80 Out-of-state travel	6,500
Total	330,263
Estimated source of funds for operation permits	
09 Agency income I	330,263

*The department of environmental services may, with prior approval of the division of personnel and the fiscal committee, establish the following new permanent full-time classified employees in the division of water supply and pollution control, water supply engineering bureau, operation permits section: one administrator IV; one civil engineer VI; one environmentalist IV; two environmentalists III; one administrative secretary supervisor; one word processor II;

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect July 1, 1990.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
Sen. Blaisdell, Dist. 10
Sen. Torr, Dist. 21

*Conferees on the Part
of the House*

Rep. Lewis, Merr: 5
Rep. Marston, Straf. 6
Rep. Bardsley, Merr: 1
Rep. Blanchard, Rock. 26

Senator Bond moved to adopt the Committee of Conference report.

SENATOR BOND: This defined household equivalent, a term used in the bill, it also changed the fee structure slightly as far as what would be charged to community water systems and to nontransient, noncommunity water systems, it also established the PAU to go along with the funding.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 348-FN

The committee of conference to which was referred House Bill 348-FN, An Act relative to damages from construction having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 508:4-b as inserted by section 2 of the bill by replacing it with following:

508:4-b Damages from Construction.

I. Except as otherwise provided in this section, all actions to recover damages for injury to property, injury to the person, wrongful death or economic loss arising out of any deficiency in the creation of an improvement to real property, including without limitation the design, labor, materials, engineering, planning, surveying, construction, observation, supervision or inspection of that improvement, shall be brought within 8 years from the date of substantial completion of the improvement, and not thereafter.

II. The term "substantial completion" means that construction is sufficiently complete so that an improvement may be utilized by its owner or lawful possessor for the purposes intended. In the case of a phased project with more than one substantial completion date, the

8-year period of limitations for actions involving systems designed to serve the entire project shall not begin until all phases of the project are substantially complete.

III. If an improvement to real property is expressly warranted or guaranteed in writing for a period longer than 8 years, the period of limitation set out in paragraph I shall extend to equal the longer period of warranty or guarantee.

IV. In all actions for negligence in design or construction described in paragraph I, the standard of care used to determine negligence shall be the standard of care applicable to the activity giving rise to the cause of action at the time the activity was performed, rather than a standard applicable to a later time.

V.(a) The limitation set out in paragraph I shall not apply to actions involving fraudulent misrepresentations, or to actions involving the fraudulent concealment of material facts upon which a claim might be based. Such actions shall be brought within 8 years after the date on which all relevant facts are, or with due care ought to be, discovered by the person bringing the action.

(b) The 8-year limitation period in paragraph I shall not apply to actions arising out of any deficiency in the design, labor, materials, planning, engineering, surveying, observation, supervision, inspection or construction of improvements which are for nuclear power generation, nuclear waste storage, or the long-term storage of hazardous materials.

VI. Nothing in this section shall affect the liabilities of a person having actual possession or control of an improvement to real property as owner or lawful possessor thereof, and nothing contained in this section shall alter or amend the time within which an action in tort may be brought for damages arising out of negligence in the repair, maintenance or upkeep of an improvement to real property.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Preston, Dist. 23
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Gage, Rock. 13
Rep. Lown, Hills. 9
Rep. Burling, Sull. 1
Rep. Record, Hills. 23

AMENDED ANALYSIS

This bill extends the 6-year statute of limitations on actions to recover damages resulting from the construction of property to 8 years and to actions dealing with deficiencies in the surveying, engineering, or inspection of construction and the materials and labor used in construction. The 8-year period begins when the construction is substantially completed.

Senator Preston moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 409-FN

The committee of conference to which was referred House Bill 409-FN, An Act relative to licensing professional foresters having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 310-A:98, I and II as inserted by section 5 of the bill by replacing them with the following:

I. It shall be unlawful for any person to practice for compensation or offer to practice for compensation in this state, the profession of forestry, as defined in this subdivision, or to use in connection with a name or otherwise assume, use, or advertise any title or description tending to convey the impression that such person is a forester; unless such person has been duly licensed or is exempt from licensing under the provisions of this subdivision.

II. Nothing in this subdivision, however, shall be construed as requiring any person, firm, partnership, company, corporation, state university, department or agency of any branch of government to be licensed pursuant to this subdivision in order to practice forestry on their own lands.

Amend RSA 310-A:98 as inserted by section 5 of the bill by inserting after paragraph III the following new paragraph:

IV. Nothing in this section shall be construed as requiring any person to be licensed under this subdivision if that person is engaged in activities incidental to the practice of forestry as defined in RSA 310-A:99, III, provided, however, that such person does not represent himself as a forester as defined in RSA 310-A:99, I. Such incidental activities shall include: timber harvesting, agriculture, wildlife management, land use planning, arboriculture, procurement of forest resources to supply concerns dependent on those forest resources, and any other activity or occupation determined by the board to be incidental to the practice of forestry.

Amend RSA 310-A:99 as inserted by section 5 of the bill by replacing it with the following:

310-A:99 Definitions. As used in this chapter:

I. "Forester" means a person who practices forestry and is licensed under this subdivision, or a person specifically exempted from licensure under RSA 310-A:98, II.

II. "Forestry" means the science of silviculture and the practice and art of managing and using for human benefit forestlands and the natural resources that occur in association with forestlands, including trees, other plants, animals, soil, water, and related air and climate.

III. "Practice of forestry" includes, but is not limited to, services related to a wooded area such as consultation, investigation, evaluation, the development of management plans, timber appraisal and the responsibility for the supervision of silviculture, utilization, protection and other forest-related activities, consistent with all state laws applicable to the harvesting and transport of forest products.

Amend RSA 310-A:100, I as inserted by section 5 of the bill by replacing it with the following:

I. There is established a state board of licensing for foresters to administer the provisions of this subdivision. The board shall consist of 7 persons, 4 of whom shall be foresters as defined in RSA 310-A:99, II, and 3 of whom shall be members of the general public. Of the forester members, one shall be the director, division of forests and lands, one shall be an industrial forester, one shall be a private forester, and one shall be a forester from the public sector. The public members shall be persons who are not, and never have been, members of the forestry profession, as defined in this subdivision, nor relatives of such a person, and who do not have and never have had a material financial interest in either the provision of forestry services, or in an activity directly related to forestry. Two of the public members shall be forest landowners actively engaged in forest management, but not otherwise connected with the forestry profession.

Amend RSA 310-A:102 as inserted by section 5 of the bill by inserting after paragraph VI the following new paragraph:

VII. Rules necessary to implement the provisions of RSA 310-A:98, IV.

Amend RSA 310-A:105 as inserted by section 5 of the bill by replacing it with the following:

310-A:105 Applications; Fees. Applications for licensing shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of his technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be individuals having personal or professional knowledge of his forestry experience. The fee for a license as a forester shall be fixed by the board. One-half of the fee shall accompany

the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within 30 days after being notified by registered mail that his application has been accepted, the applicant shall forfeit the right to have a license so issued and said applicant may be required to again submit an original application and pay an original fee on such application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

Amend RSA 310-A:112, I(b) as inserted by section 5 of the bill by replacing it with the following:

(b) Upon written complaint of any person which charges that a person licensed by the board has committed misconduct under paragraph II, and which specifies the grounds for such complaint. The board may utilize the services of the county extension forester in any preliminary gathering of related information.

Amend the bill by replacing all after section 5 with the following:

6 Minimum Educational Requirement. There shall be no minimum educational requirement for licensure as a forester for applicants who have 8 years of experience within the preceding 10 year period of a nature satisfactory to the board. The applicant shall be required to pass an oral or written exam, or otherwise meet the approval of the board.

7 Prospective Repeal. RSA 310-A:98-117, relative to licensing foresters, is repealed.

8 Effective Date.

I. RSA 310-A:100 and RSA 310-A:102 shall take effect upon passage.

II. Section 7 of this act shall take effect September 30, 1996.

III. The remainder of this act shall take effect June 30, 1991.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
Sen. Bass, Dist. 11
Sen. Preston, Dist. 23

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2
Rep. MacDonald, Rock. 7
Rep. Wiggin, Carr. 4
Rep. Dunn, Merr. 21

Senator Bond moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 756-FN

The committee of conference to which was referred House Bill 756-FN, An Act relative to cluster development and multi-family dwellings having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Johnson, Dist. 17

Sen. Heath, Dist. 3

Sen. King, Dist. 2

*Conferees on the Part
of the House*

Rep. Grodin, Ches. 6

Rep. King, Rock. 4

Rep. Dykstra, Hills. 39

Rep. Wadsworth, Graf. 13

Senator Johnson moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1020

The committee of conference to which was referred House Bill 1020, An Act relative to motors and horsepower of motors on Elbow pond in the town of Andover having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Preston, Dist. 23

Sen. Heath, Dist. 3

Sen. King, Dist. 2

*Conferees on the Part
of the House*

Rep. Klemarczyk, Rock. 13

Rep. Malcolm, Rock. 17

Rep. Nelson, Coos 8

Rep. G. Katsakiores, Rock. 7

Senator Preston moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1026

The committee of conference to which was referred House Bill 1026, An Act relative to the definition of public access to public waters having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 State Jurisdiction Over Public Waters; Published List. Amend RSA 271:20 to read as follows:

271:20 [Area] **State Water Jurisdiction; Published List of Public Waters; Rulemaking.**

I. All natural bodies of fresh water **situated entirely in the state** having an area of 10 acres or more are **state-owned** public waters, and are held in trust by the state for public use; and no corporation or individual shall have or exercise in any such body of water any rights or privileges not common to all citizens of this state; **provided, however, the state retains its existing jurisdiction over those bodies of water located on the borders of the state over which it has exercised such jurisdiction.**

II. The department of environmental services shall prepare, maintain, and publish an official list of all public waters in the state. The commissioner of the department of environmental services shall adopt rules, pursuant to RSA 541-A, relative to this publication.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
Sen. Preston, Dist. 23
Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. Wiggin, Carr. 4
Rep. Boucher, Rock. 23
Rep. Young, Straf. 10
Rep. Conroy, Rock. 7

AMENDED ANALYSIS

This bill defines public access to public waters. The bill also clarifies state jurisdiction over public waters.

The bill requires the commissioner of the department of environmental services to publish a list of all state public waters.

Senator Bond moved to adopt the Committee of Conference report.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1027-FN

The committee of conference to which was referred House Bill 1027-FN, An Act establishing a black bear management program and requiring a special bear license having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate

Sen. Bond, Dist. 1
Sen. Currier, Dist. 7
Sen. St. Jean, Dist. 20

Conferees on the Part of the House

Rep. Scanlan, Graf. 11
Rep. Drake, Rock. 18
Rep. Kinney, Straf. 6
Rep. Oleson, Coos. 7

Senator Bond moved to adopt the Committee of Conference report.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1028

The committee of conference to which was referred House Bill 1028, An Act relative to the number of events at which a club may serve liquor in a year having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate

Sen. St. Jean, Dist. 20
Sen. Dupont, Dist. 6
Sen. Podles, Dist. 16

Conferees on the Part of the House

Rep. Simon, Rock. 9
Rep. McKinney, Rock. 23
Rep. Desrosiers, Hills. 43
Rep. Lemire, Coos 8

Senator St. Jean moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1046

The committee of conference to which was referred House Bill 1046, An Act relative to the declaration of purpose for the planning and zoning laws having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend the bill by replacing sections 1 and 2 with the following:

1 Agricultural Activities; Planning and Zoning Powers. Amend RSA 672:1, III-b and III-c to read as follows:

III-b. Agriculture makes vital and significant contributions to the food supply, the economy, the environment and the aesthetic features of the state of New Hampshire, and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the state. Natural features, terrain and the pattern of geography of the state frequently place agricultural land in close proximity to other forms of development and commonly in small parcels. Agricultural activities are a beneficial and worthwhile feature of the New Hampshire landscape and [should] **shall** not be [discouraged or eliminated] **unreasonably limited** by use of municipal planning and zoning powers or **by** the unreasonable interpretation of such powers;

III-c. Forestry, when practiced in accordance with accepted silvicultural principles, constitutes a beneficial and desirable use of New Hampshire's forest resource. Forestry contributes greatly to the economy of the state through a vital forest products industry; and to the health of the state's forest and wildlife resources through sustained forest productivity, and through improvement of wildlife habitats. New Hampshire's forests are an essential component of the landscape and add immeasurably to the quality of life for the state's citizens. Because New Hampshire is a heavily forested state, forestry activities, including the harvest and transport of forest products, are often carried out in close proximity to populated areas. Further, the harvesting of timber often represents the only income that can be derived from property without resorting to development of the property for more intensive uses, and, pursuant to RSA 79-

A:1, the state of New Hampshire has declared that it is in the public interest to encourage preservation of open space by conserving forest and other natural resources. Therefore, [municipalities are discouraged from using their zoning and planning powers to restrict] forestry activities, including the harvest and transport of forest products, [when these activities are carried out within the constraints established by all applicable state laws] **shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers;**

2 New Paragraph; Reference to Unreasonable Interpretation. Amend RSA 672:1 by inserting after paragraph III-c the following new paragraph:

III-d. For purposes of paragraphs III-b and III-c, "unreasonable interpretation" includes the failure of local land use authorities to recognize that agriculture and forestry, when practiced in accordance with applicable laws and regulations, are traditional, fundamental and accessory uses of land throughout New Hampshire, and that a prohibition upon these uses cannot necessarily be inferred from the failure of an ordinance or regulation to address them.

*Conferees on the Part
of the Senate*

Sen. Charbonneau, Dist. 14
Sen. Bond, Dist. 1
Sen. King, Dist. 2

*Conferees on the Part
of the House*

Rep. Grodin, Ches. 6
Rep. Golden, Belk. 7
Rep. Baldizar, Hills. 22
Rep. Metzger, Ches. 11

AMENDED ANALYSIS

This bill amends the declaration of purpose for the planning and zoning laws as it relates to the encouragement of agricultural and forestry activities by adding the provision that agricultural and forestry activities shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of those powers. The bill also adds a provision concerning what constitutes an "unreasonable interpretation" for agriculture and forestry purposes.

Senator Charbonneau moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1060-FN

The committee of conference to which was referred House Bill 1060-FN, An Act establishing a committee to study medical injury

compensation and discipline of physicians having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend subparagraph I(c) of section 2 of the bill by replacing it with the following:

(c) Four attorneys, 2 of whom shall be plaintiffs counsel and 2 of whom shall be defendant's counsel, appointed by the president of the New Hampshire Bar Association.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Bass, Dist. 11
Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. Foss, Straf. 10
Rep. Christy, Graf. 11
Rep. MacAskill, Sull. 9
Rep. Burling, Sull. 1

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1070-FN-A

The committee of conference to which was referred House Bill 1070-FN-A, An Act relative to the data processing and computer management study committee and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend paragraph II of section 4 of the bill by replacing it with the following:

II. In order to fund the supplemental appropriation made in paragraph I, the sum of \$115,000 of general fund moneys is hereby transferred from the state treasury special general fund distribution debt service (treasury) account number 010-038-8023-043, PAU 01, 08, 04, 43, to department of administrative services account number 010-014-1302-091, PAU 01, 04, 01, 02, 03, special disbursements. The state treasurer shall reduce the appropriation line and source of funds accordingly to reflect the reduction of general funds.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6
Sen. St. Jean, Dist. 20
Sen. Bartlett, Dist. 19

*Conferees on the Part
of the House*

Rep. MacDonald, Rock. 7
Rep. Randall, Belk. 2
Rep. Dunn, Merr. 21
Rep. Hall, Merr. 7

AMENDED ANALYSIS

This bill extends the termination date of the study committee from February 1, 1990, to June 30, 1991. The bill also makes a supplemental appropriation of \$115,000 to the study committee for fiscal year 1990, adds a new duty to the charge of the study committee, requires that public notice be given of the committee's meetings, and provides that the minutes of the committee's meetings shall be available for public inspection. The appropriation is funded by a transfer of moneys from the state treasury special general fund distribution debt service (treasury) account to the department of administrative services special disbursements account.

The bill also prohibits the division of information services, department of administrative services, from acquiring or disposing of, for the biennium, any computer hardware or software that will modify or change current operations or applications for data entry, processing of data, or report generation, other than for the purpose of maintaining current operational levels and current projects.

Senator Dupont moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1083

The committee of conference to which was referred House Bill 1083, An Act establishing speed limits for the operation of OHRVs having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
 Sen. King, Dist. 2
 Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. Nelson, Coos 8
 Rep. Flanders, Rock. 10
 Rep. Dodge, Hills. 13
 Rep. Stewart, Graf. 4

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1097

The committee of conference to which was referred House Bill 1097, An Act legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 Mountain Lakes District Meeting; Town of Haverhill. All actions, votes, and proceedings concerning posting of the warrant and changing of the location of the Mountain Lakes District Annual Meeting in the town of Haverhill on March 17, 1990, are hereby legalized, ratified, and confirmed.

6 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Johnson, Dist. 17
 Sen. King, Dist. 2
 Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. King, Rock. 4
 Rep. Lawrence, Hills. 20
 Rep. Golden, Belk. 7
 Rep. Daneault, Merr. 8

Senator Johnson moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1103-FN

The committee of conference to which was referred House Bill 1103-FN, An Act relative to the regional fuel tax agreement having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the House, and pass the bill as so amended:

Amend RSA 260:65-b as inserted by section 3 of the bill by replacing it with the following:

260:65-b Regional Fuel Tax Agreement Authorized. The commissioner is hereby authorized, **pursuant to RSA 21-P:14, VI**, to execute all documents and perform all other acts necessary to enter into and carry out the provisions of a multi-jurisdictional regional fuel tax agreement, to be known as the regional fuel tax agreement. The commissioner may adopt, pursuant to the provisions of RSA 541-A, such rules as are necessary to enforce the terms of this agreement, which shall have the effect of law, and which shall provide for each of the member states to collect fuel taxes and perform audits on behalf of the other member states. **Nothing in this section shall be construed to authorize the adoption of rules which alter any existing or establish any new taxes, fees, penalties, or interest charges; provided, however, that the rules may include taxes, fees, penalties, or interest charges which are otherwise provided for by the laws of this state.**

*Conferees on the Part
of the Senate*

Sen. Heath, Dist. 3
Sen. Preston, Dist. 23
Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. G. Katsakiores, Rock. 7
Rep. Turgeon, Hills. 46
Rep. Emerton, Hills. 6
Rep. Lachut, Hills. 1

Senator Heath moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1107-FN

The committee of conference to which was referred House Bill 1107-FN, An Act relative to the 2 year statute of limitations on actions to recover pecuniary penalties and forfeitures and authoriz-

ing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 570-A:7 as inserted by section 1 of the bill by replacing it with the following:

570-A:7 Authorization for Interception of Wire or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of wire or oral communications by **investigative or** law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, **criminal conduct in violation of the securities law, as defined in RSA 421-B:3, 421-B:4, 421-B:5, 421-B:19, and 421-B:24, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13**, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, [or] dealing in narcotic drugs, marijuana, or other dangerous drugs, **hazardous waste violations under RSA 147-A:4, I**, or any conspiracy to commit any of the foregoing offenses.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Bass, Dist. 11
Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. Gage, Rock. 13
Rep. Jasper, Hills 19
Rep. Hollingworth, Rock. 17
Rep. Johnson, Merr. 5

Senator Bass moved to adopt the Committee of Conference report.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1204-FN

The committee of conference to which was referred House Bill 1204-FN, An Act reinstating the corporate charter of the Waltham Screw Co., Inc. having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 5 with the following:

5 Applicability. Nothing in the passage of this act shall influence any pending actions or influence or otherwise affect any liabilities or interfere with any cause of action against the corporation for the period during which the charter lapsed.

Conferees on the Part of the Senate

Sen. Johnson, Dist. 17
Sen. King, Dist. 2
Sen. Bass, Dist. 11

Conferees on the Part of the House

Rep. Dube, Rock. 9
Rep. Holden, Hills. 9
Rep. McCarthy, Rock. 18
Rep. McGovern, Rock. 27

Senator Johnson moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1228-FN

The committee of conference to which was referred House Bill 1228-FN, An Act relative to preparation of master jury lists by computer having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 2 with the following:

2 County Pilot Program; Driver's License Lists Utilized for Juror Lists. The chief justice of the superior court shall, on or before July 1, 1990, designate one county to implement a pilot program utilizing the list of New Hampshire licensed drivers maintained by the New

Hampshire department of safety for the purpose of preparing master lists of prospective jurors. The program shall begin on a date to be determined by order of the chief justice of the superior court and may be terminated at any time for any reason deemed sufficient by the chief justice. Prior to the implementation of the program and subsequent to its termination, should it be terminated, the designated county shall continue to use the current procedures in accordance with RSA 500-A. After the program has been operating for one year or upon the termination of the program, the chief justice shall file a report with the president of the senate and the speaker of the house addressing the feasibility of utilizing this procedure statewide and outlining any costs associated with the procedure. During the pilot program, the remaining counties will continue to use the current procedures in accordance with RSA 500-A.

*Conferees on the Part
of the Senate*

Sen. Charbonneau, Dist. 14
Sen. Nelson, Dist. 13
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Record, Hills. 23
Rep. Hollingworth, Rock. 17
Rep. Jasper, Hills. 19
Rep. Lozeau, Hills. 25

AMENDED ANALYSIS

This bill allows a municipality to choose names for its master jury list by computer.

The bill also directs the chief justice of the superior court to designate one county to implement a one-year pilot program utilizing the driver's license list for the purpose of preparing master jury lists. The program may be terminated by the chief justice at any time for any reason he deems sufficient.

Senator Charbonneau moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1245-FN

The committee of conference to which was referred House Bill 1245-FN, An Act relative to the statute of limitations on prosecutions for sexual assault offenses against children having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Applicability. The provisions of RSA 625:8, III(d) as inserted by section 2 of this act shall apply to victims injured under RSA 632-A before, on, or after the effective date of this act.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Nelson, Dist. 13
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Lown, Hills. 9
Rep. Jasper, Hills. 19
Rep. Hollingworth, Rock. 17
Rep. Moore, Hills. 5

Senator Nelson moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1248-FN

The committee of conference to which was referred House Bill 1248-FN, An Act relative to monitoring the reassessment of taxable property by the department of revenue administration having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the heading of section 3 of the bill by replacing it with the following:

3 Eliminating Annual Registration Fees for Class AA Dams.

Amend RSA 482:8-a, II as inserted by section 3 of the bill by replacing it with the following:

II. Appropriation: There is hereby appropriated for the biennium ending June 30, 1991, the sum of \$45,000 to be deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend RSA 482-A:3, VI-a as inserted by section 4 of the bill by replacing it with the following:

VI-a. The wetlands board may enter into a memorandum of agreement with the New Hampshire department of transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their application fees. The

maximum application fee for the department of transportation shall be \$10,000 per application plus provision for technical or consulting services or a combination of such services as necessary to meet the need of the wetlands board.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
Sen. Dupont, Dist. 6
Sen. Torr, Dist. 21

*Conferees on the Part
of the House*

Rep. Perry, Ches. 10
Rep. King, Rock. 4
Rep. Wadsworth, Graf. 13
Rep. Daneault, Merr. 8

AMENDED ANALYSIS

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

The bill allows cities and towns to enter into agreements with certain energy producers that also qualify as approved facilities under RSA 149-M for solid waste management purposes to make payments in lieu of taxes.

The bill eliminates the annual registration fee for class AA dams, and makes an annual appropriation of \$45,000 to the dam maintenance fund to be used for dam inspection.

The bill also permits the wetlands board to enter into agreements with the department of transportation in which the wetlands board will accept technical or consulting services in lieu of a part of the permit application fees otherwise charged.

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1264-FN

The committee of conference to which was referred House Bill 1264-FN, An Act creating jurisdiction in the district courts to issue

injunctions against unauthorized lockouts, utility shutoffs, and property seizures having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 District Court Jurisdiction. RSA 540-A:4 is repealed and reenacted to read as follows:

540-A:4 Remedies.

I. All district courts shall have concurrent jurisdiction with the superior court to enforce the provisions of RSA 540-A:2 and RSA 540-A:3.

II. Any tenant or landlord may seek relief from a violation of RSA 540-A:2 or RSA 540-A:3 by filing a petition in the district or county where the rental premises are located.

III. No filing fee shall be charged for a petition under paragraph II, and the plaintiff may proceed without legal counsel. Either a peace officer or the sheriff's department shall serve process under this section and the cost of such service shall be billed as directed by the court pursuant to paragraph X. Any proceeding under this subdivision shall not preclude any other available civil or criminal remedy.

IV. The clerks of the district courts shall supply forms for petitions for relief under this subdivision designed to facilitate proceedings.

V. The findings of facts shall be final but questions of law may be transferred to the supreme court in the same manner as from the superior court.

VI. The court shall hold a hearing within 30 days of the filing of a petition under paragraph II or within 10 days of service of process upon the defendant, whichever occurs later.

VII. Upon a showing of a violation of RSA 540-A:2 or RSA 540-A:3, I, II, or III, the court shall grant such relief as is necessary to protect the rights of the parties. Such relief may include:

(a) An injunction enjoining the defendant from continuing the activity or activities which violate RSA 540-A:2 or RSA 540-A:3; and

(b) An award of damages to the plaintiff for the violations of RSA 540-A, breach of warranty of habitability, breach of the covenant of quiet enjoyment or any other claim arising out of the facts alleged in the plaintiff's petition.

VIII. Upon the showing of an immediate threat of irreparable harm, the court may issue such temporary orders as it deems necessary to protect the parties with or without actual notice to the defendant. If temporary orders are made ex parte, the party against whom such relief is issued may file a written request with the clerk of the court and request a hearing on such request. Such hearing shall be held no later than 5 days after the request is received by the clerk. Such hearings may constitute the final hearing described in paragraph VI.

IX. Any landlord or tenant who violates RSA 540-A:2 or any provision of RSA 540-A:3 shall be subject to the civil remedies set forth in RSA 358-A:10, including costs and reasonable attorney's fees incurred in the proceedings. Each day that a violation continues shall constitute a separate violation.

X. If an action initiated under RSA 540-A:3 is found to be frivolous or brought solely for harassment, the plaintiff shall pay to the defendant the costs of said action including reasonable attorney's fees. If such frivolous action was brought by the tenant, he shall not be entitled to the protection of paragraph XI of this section.

XI. No action for possession may be maintained by the landlord against a tenant who proves a violation of RSA 540-A:3 except for nonpayment of rent, violation of a substantial obligation of the rental agreement or lease, or violation of this subdivision within 6 months of an action instituted under this subdivision by a tenant; nor shall the landlord take any other action in reprisal.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Nelson, Dist. 13
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Jasper, Hills. 19
Rep. Burling, Sull. 1
Rep. Hollingworth, Rock. 17
Rep. Whitcomb, Graf. 1

Senator Nelson moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1301-FN

The committee of conference to which was referred House Bill 1301-FN, An Act creating a committee to study the passenger motor vehicle insurance market in New Hampshire having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend section 1 of the bill by replacing paragraph XI with the following:

XI. Two representatives of the New Hampshire Bar Association, appointed by such organization.

Amend section 1 of the bill by deleting paragraph XVI.

*Conferees on the Part
of the Senate*

Sen. Delahunty, Dist. 22

Sen. Freese, Dist. 4

Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. Fraser, Merr. 6

Rep. Hill, Graf. 1

Rep. Sochalski, Rock. 23

Rep. Arnesen, Graf. 7

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1370

The committee of conference to which was referred House Bill 1370, An Act relative to a statement of consideration on deeds and other matters concerning the transfer of real estate having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Transfer of Title. Amend RSA 78-B:2 by inserting after paragraph XII the following new paragraph:

XIII. To a transfer of title pursuant to a final decree of divorce or nullity.

6 Form of Consideration. Amend the section heading of RSA 78-B:10 and RSA 78-B:10, I to read as follows:

78-B:10 Declaration of Consideration Required [in Deed].

I. A declaration of consideration shall be filed with the department of revenue administration for each [deed recording a] transfer of real estate or [any] interest therein. [shall contain a separate page which shall be recorded with the deed, and which shall be called the "Attestation of Consideration and Tax Stamp Page." Each such page shall:] The commissioner of revenue administration

shall adopt rules, pursuant to RSA 541-A, relative to the form of such declaration of consideration. Each form shall:

(a) Contain a conspicuous declaration of the price or consideration exchanged for the real estate transferred, which shall say **substantially**: "..... (buyer's name) and (seller's name) agree and affirm that the full price or consideration paid for the real estate transferred by this deed is \$ The tax due upon this transfer is calculated at \$ per \$100 or any part thereof, for an amount due of \$ (computed to the nearest whole dollar)."

(b) Contain a space immediately below the statement in subparagraph (a) for the dated and [notarized] **witnessed** signatures of both buyer and seller of the deeded real estate.

(c) Contain a space sufficiently large enough to easily accommodate placement of stamps required by RSA 78-B. That space shall be identified by the following language: "The tax stamps required by RSA 78-B have been attached below by buyer and seller".]

7 New Paragraphs; Exempted Transactions and Filing of Declarations. Amend RSA 78-B:10 by inserting after paragraph II the following new paragraphs:

III. A declaration shall not be required for transfers exempted by RSA 78-B:2 or transfers involving only utility easements.

IV. The declaration required by this section shall be filed with the department of revenue administration by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the registrar of deeds or transfer of real estate, whichever is later. Willful failure to file the declaration shall be deemed to be a false statement under RSA 78-B:7.

V. No deed, recording a transfer of real estate or any interest therein, executed before January 1, 1990, shall be required to comply with this section.

VI. Failure to comply with this section shall not be construed to cloud title.

8 Compliance. Any deed that was recorded between January 1, 1990, and the effective date of this act, that failed to comply with the provisions of RSA 78-B:10, as constituted prior to the effective date of this act, shall be deemed to be valid and to pass good and marketable title if such deed complied with all other requirements of the law relative to deeds. This section shall not be construed to relieve any person from the penalty provisions of RSA 78-B for willful non-compliance with the provisions of that chapter.

9 Notice to Registers of Deeds. Within 5 working days after the adoption of the form required under RSA 78-B:10, I, the department of revenue administration shall mail a copy of such form to each register of deeds within the state.

10 Effective Date. This act shall take effect June 1, 1990.

*Conferees on the Part
of the Senate*

Sen. Charbonneau, Dist. 14
Sen. Johnson, Dist. 17
Sen. King, Dist. 2

*Conferees on the Part
of the House*

Rep. West, Merr. 21
Rep. Gage, Rock. 13
Rep. Daneault, Merr. 8
Rep. Brown, Rock. 17

AMENDED ANALYSIS

This bill allows the transfer of real estate that occurs by the death of a joint tenant or pursuant to a divorce or nullity decree to be exempt from certain taxes.

The bill requires a declaration of consideration to be filed with the department of revenue administration on forms to be prescribed by the department.

The bill also establishes a penalty for willful failure to file or making false statements upon a declaration of consideration.

Senator Charbonneau moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1405-FN-A

The committee of conference to which was referred House Bill 1405-FN-A, An Act relative to sludge and septage management programs having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 27-O:7, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) [Eight] **Eleven** of the members shall be public members appointed by the governor, with the consent of the council, who shall serve for terms of 4 years. Of these members, 2 shall represent the industrial interests of the state; one shall represent the vacation home or private recreational interests of the state; one shall represent the agricultural interests of the state; one shall be an employee of any municipal or privately owned waterworks in the state; **one shall be a representative of the septage hauling industry, nominated by the New Hampshire Association of Septage Haulers;**

[and] one shall be a member of a state-wide nonprofit conservation or environmental organization; **one shall be a treatment plant operator; and one shall be a designer or installer of septic systems, nominated by the Granite State Designers and Installers Association.** The 2 remaining members shall be appointed and commissioned respectively as the chairman and vice chairman of the council;

Amend paragraphs I and II as inserted by section 19 of the bill by replacing them with the following:

I. The sum of \$79,000 is hereby appropriated to the division of water supply and pollution control, department of environmental services, for the fiscal year ending June 30, 1991, for the purposes of sections 1-19 of this act.

II. The division of water supply and pollution control, department of environmental services, may establish, subject to prior approval of the fiscal committee, 2 new positions: one environmentalist IV and one clerk IV, who shall be classified employees qualified by reason of education and experience, and who shall administer the sludge and septage management programs. The PAU established for these positions is as follows:

03 Resource protection

04 Environmental service

03 Water pollution division

07 Subsurface waste disposal

01 Septage program

	Fiscal Year 1991
10 Personal services - permanent	\$48,310
20 Current expenses	7,945
30 Equipment	4,500
60 Benefits	13,445
70 In-state travel	4,300
80 Out-of-state travel	500
Total	\$79,000

The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
Sen. Blaisdell, Dist. 10
Sen. Torr, Dist. 21

*Conferees on the Part
of the House*

Rep. Bardsley, Merr. 1
Rep. Schotanus, Sull. 1
Rep. Dickinson, Carr. 2
Rep. Vaughn, Rock. 27

Senator Bond moved to adopt the Committee of Conference report.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1409-FN

The committee of conference to which was referred House Bill 1409-FN, An Act relative to workers' compensation and making an appropriation therefore having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 281-A:23, IV as inserted by section 14 of the bill by replacing it with the following:

IV. Health care providers shall not refer an injured worker for medical care or related services to any other health care provider, organization, association, corporation, partnership or group practice in which the referring health care provider or any member of its professional association or group practice has a financial or ownership interest unless the referral is ethically appropriate and medically indicated. The commissioner shall confirm in writing that an exception is authorized for the welfare of the specific injured worker. This paragraph shall not affect emergency situations, referrals from a specialist to a subspecialist, referrals from a health care provider to a specialist in another field, or referrals from a primary care practitioner to a specialist.

Conferees on the Part of the Senate

Sen. Delahunty, Dist. 22
Sen. Blaisdell, Dist. 10
Sen. Freese, Dist. 4

Conferees on the Part of the House

Rep. Hawkins, Belk. 5
Rep. Bennett, Merr. 17
Rep. Townsend, Graf. 13
Rep. Cote, Hills. 25

Senator Delahunty moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1432-FN

The committee of conference to which was referred House Bill 1432-FN, An Act relative to the New Hampshire rivers management and protection program having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 483:2 as inserted by section 1 of the bill by replacing it with the following:

483:2 Program Established; Intent. There is established within the department of environmental services the New Hampshire rivers management and protection program. It is the intent of the legislature that the New Hampshire rivers management and protection program shall complement and reinforce existing state and federal water quality laws, and that in-stream flows are maintained along protected rivers, or segments thereof, in a manner that will enhance or not diminish the enjoyment of outstanding river characteristics pursuant to RSA 483:1. It is also the intent of the legislature that, through said program, the scenic beauty and recreational potential of such rivers shall be restored and maintained[, and], that riparian interests shall be respected[.], **and that nothing in this chapter shall be interpreted to preempt any land and zoning authority granted to municipal bodies under RSA title LXIV.**

Amend RSA 483:4, XI as inserted by section 2 of the bill by replacing it with the following:

XI. "Instream public uses" means those uses which comprise the state's interests in surface waters including, but not limited to: navigation; recreation; fishing; storage; conservation; maintenance and enhancement of aquatic and fish life; fish and wildlife habitat; wildlife; the protection of water quality and public health; pollution abatement; aesthetic beauty; and hydroelectric energy production.

Amend RSA 483:7-a, I(a)(4) as inserted by section 5 of the bill by replacing it with the following:

(4) Management of natural rivers and segments shall perpetuate their natural condition as defined in this chapter and shall consider, protect, and ensure the rights of riparian owners to use the river for forest management, agricultural, public water supply, and other purposes which are compatible with instream public uses of the river and the management and protection of the resources for which the river or segment is designated.

Amend RSA 483:8-a, III(a) as inserted by section 6 of the bill by replacing it with the following:

(a) To advise the commissioner, the advisory committee, and the municipalities through which the designated river or segment flows on matters pertaining to the management of the river or segment.

Amend RSA 483:8-a, III(c) as inserted by section 6 of the bill by replacing it with the following:

(c) To develop or assist in the development and adoption of local river corridor management plans under RSA 483:10. Such adoption shall be subject to the approval of the municipal legislative body of the affected municipalities.

Amend RSA 483:9-a, IV as inserted by section 11 of the bill by replacing it with the following:

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project, including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural rivers.

Amend RSA 483:9-b, IV as inserted by section 11 of the bill by replacing it with the following:

IV. No new channel alteration activities shall be permitted which interfere with or alter the natural flow characteristics of the river or segment or which adversely affect the resources for which the river or segment is designated. However, the commissioner may approve such channel alterations as may be necessary for the construction, repair, or maintenance of a project including public water supply intake facilities in the river or river corridor. The department shall encourage the use of native vegetation to stabilize streambanks of designated rural rivers.

Amend RSA 483:9-c, II as inserted by section 11 of the bill by replacing it with the following:

II. One public hearing shall be held in at least one municipality along the designated river or segment to receive public comment on the establishment of a proposed protected instream flow.

Amend RSA 483:10-a as inserted by section 12 of the bill by replacing it with the following:

483:10-a Long Range River Management Plans. The department shall prepare and adopt a long range comprehensive plan for each designated river or segment which shall address the management and protection of instream values and state lands within the corridor. State land within the designated river corridor shall be administered and managed in accordance with the plan, and state management of fisheries, streams, waters, wildlife, and boating shall be consistent with the plan. In developing this plan, the department shall cooperate with the department of resources and economic de-

velopment, the department of fish and game, the office of state planning, the department of agriculture, and the local rivers management advisory committee.

Amend RSA 483:14, IV as inserted by section 15 of the bill by replacing it with the following:

IV. Saco River - mainstream from the base of Saco Lake dam to the southern boundary of Crawford Notch State Park as a "natural river" and from the southern boundary of Crawford Notch State Park to the New Hampshire-Maine state line as a "rural river." Nothing in this chapter shall prohibit the normal repair or maintenance of the Willey House dam in Crawford Notch State Park.

Amend RSA 483:1 as inserted by section 21 of the bill by replacing it with the following:

483:1 Statement of Policy. New Hampshire's rivers and streams comprise one of its most important natural resources, historically vital to New Hampshire's commerce, industry, tourism, and the quality of life of New Hampshire people. It is the policy of the state to ensure the continued viability of New Hampshire rivers as valued economic and social assets for the benefit of present and future generations. The state shall encourage and assist in the development of river corridor management plans and regulate the quantity and quality of in-stream flow along certain protected rivers or segments of rivers to conserve and protect outstanding characteristics including recreational, fisheries, wildlife, environmental, cultural, historical, archaeological, scientific, ecological, aesthetic, [and] community significance, **agricultural, and public water supply** so that these valued characteristics shall endure as part of the river uses to be enjoyed by New Hampshire people.

Amend the bill by replacing all after section 22 with the following:

23 Stream Bank Repair and Stabilization. Nothing in this act shall be construed to prohibit emergency repair of streambanks made necessary by flood damage or stream bank stabilization by ripraping or other means in rivers or segments designated as rural or community rivers, subject to applicable state and federal laws and regulations.

24 New Section; Subject to Other Laws. Amend RSA 483 by inserting after section 12 the following new section:

483:12-a Subject to Other Laws. Any activities permitted under this chapter shall be subject to all applicable state and federal laws and regulations.

25 Effective Date.

I. Section 17 of this act shall take effect July 1, 1990.

II. Section 22 of this act shall take effect upon its passage.

III. The remainder of this act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
Sen. McLane, Dist. 15
Sen. Krasker, Dist. 24

*Conferees on the Part
of the House*

Rep. Dickinson, Carr. 2
Rep. Bardsley, Merr. 1
Rep. Blanchard, Rock. 26
Rep. Maviglio, Belk. 1

Senator Bond moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1438

The committee of conference to which was referred House Bill 1438, An Act relative to the goals and objectives for reduction of solid waste having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 149-M:1-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The general court further declares that the goal of the state, for the period 1990-2000, is to achieve a 40 percent minimum weight reduction in the solid waste stream on a per capita basis. Weight reduction shall be measured with respect to changes in the total waste stream generated. The goal of weight reduction shall be achieved through source reduction, recycling and reuse, and composting, or any combination of such methods. Ash resulting from waste-to-energy technologies or other incineration shall not be subject to further weight reduction. Recycling, reuse, and composting efforts existing upon the effective date of this paragraph shall be considered as counting towards the 40 percent weight reduction goal.

Amend RSA 149-M:1-a, V as inserted by section 1 of the bill by replacing it with the following:

V. In exercising any and all powers conferred upon the division of waste management under this chapter, the division shall utilize and consider criteria relevant to the declaration of purpose established in this section. The division shall not take any action relative to the 40 percent weight reduction goal which causes the municipali-

ties organized under RSA 53-A and 1986, 139 or RSA 53-D to violate or incur penalties under legal obligations existing on the effective date of this paragraph.

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Batteries. Amend RSA 149-M:22 by inserting after paragraph IV the following new paragraph:

V. Beginning January 1, 1991, no wet-cell batteries shall be disposed in a solid waste landfill facility or incinerated, whether in a waste-to-energy facility or otherwise.

4 Plan Required. The commissioner of environmental services shall develop a plan for the disposal of dry-cell batteries and shall submit a report to the speaker of the house and the president of the senate no later than January 1, 1991.

5 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
Sen. Bass, Dist. 11
Sen. Krasker, Dist. 24

*Conferees on the Part
of the House*

Rep. Trombly, Merr. 4
Rep. Teschner, Graf. 5
Rep. Daigle, Hills. 24
Rep. Parsons, Rock. 19

AMENDED ANALYSIS

This bill establishes the goals and objectives for the reduction of solid waste for the state of New Hampshire. Under this bill, the general court endorses, in order of preference, the following waste management methods:

- (a) Source reduction;
- (b) Recycling, reuse, and composting;
- (c) Waste-to-energy technologies (including incineration);
- (d) Incineration without resource recovery; and
- (e) Landfilling.

The bill requires the commissioner of environmental services to develop a plan for the disposal of dry-cell batteries and to report to the general court no later than January 1, 1991.

The bill also prohibits wet-cell batteries from being disposed in a landfill facility or incinerated, effective January 1, 1991.

Senator Bond moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1439-FN

The committee of conference to which was referred House Bill 1439-FN, An Act relative to the reimbursement to the state for cer-

tain services rendered at race tracks having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10

Sen. Hough, Dist. 5

Sen. Delahunty, Dist. 22

*Conferees on the Part
of the House*

Rep. Simon, Rock. 9

Rep. Fesh, Rock. 7

Rep. Horton, Coos 4

Rep. Hynes, Rock. 28

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 328

The committee of conference to which was referred Senate Bill 328, An Act restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Referendum. The provisions of section 2 of this act shall take effect pursuant to the provisions of RSA 51:9 upon ratification by a 2/3 vote of the voters present and voting by ballot at the regular annual meetings of both the town of Albany and the town of Sandwich, and each town clerk shall certify within 10 days to the secretary of state the results of said referendum.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1

Sen. Heath, Dist. 3

Sen. Preston, Dist. 23

*Conferees on the Part
of the House*

Rep. Golden, Belk. 7

Rep. Allard, Carr. 2

Rep. Baldizar, Hills. 22

Rep. Daneault, Merr. 8

Senator Bond moved to adopt the Committee of Conference report.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 340-FN-A

The committee of conference to which was referred Senate Bill 340-FN-A, An Act establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate

Sen. Dupont, Dist. 6
Sen. Blaisdell, Dist. 10
Sen. Torr, Dist. 21

Conferees on the Part of the House

Rep. Pappas, Hills. 37
Rep. Foster, Carr. 4
Rep. Copenhagen, Graf. 12
Rep. Hager, Merr. 21

Senator Dupont moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 361

The committee of conference to which was referred Senate Bill 361, An Act relative to radon gas and lead paint having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 477:4-a, I and II as inserted by section 1 of the bill by replacing them with the following:

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon Gas: Radon gas, the product of decay of radioactive materials in rock may be found in some areas of New Hampshire. This gas may pass into a structure through the ground or through water from a deep well. Testing can establish its presence and equipment is available to remove it from the air or water.

Lead Paint: Before 1977, paint containing lead may have been used in structures. The presence of flaking lead paint can present a serious health hazard, especially to young children and pregnant women. Tests are available to determine whether lead is present."

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph I.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
Sen. Preston, Dist. 23
Sen. Freese, Dist. 4

*Conferees on the Part
of the House*

Rep. Rodeschin, Sull. 2
Rep. Vogler, Belk. 4
Rep. Spear, Ches. 13
Rep. Rosen, Belk. 9

Senator Bond moved to adopt the Committee of Conference report.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 384-FN-A

The committee of conference to which was referred Senate Bill 384-FN-A, An Act relative to medical examiners and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 6 with the following:

6 Increased Fee. Amend RSA 611-A:9 to read as follows:

611-A:9 Liability for Expenses of Autopsies. The county wherein the death occurred shall pay to the state treasurer a fee in the amount of [\$300] **\$500** for each autopsy performed by the chief medical examiner or the acting chief medical examiner.

7 Effective Date.

I. Section 6 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect July 1, 1990.

*Conferees on the Part
of the Senate*

Sen. St. Jean, Dist. 20
Sen. Bartlett, Dist. 19
Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. Sochalski, Rock. 23
Rep. Chase, Rock. 28
Rep. Tarpley, Hills. 9
Rep. Weymouth, Graf. 2

AMENDED ANALYSIS

This bill authorizes the chief medical examiner to appoint an associate chief medical examiner and assistant deputy medical examiners and makes an appropriation to the office of the chief medical examiner.

The bill also imposes a reasonable fee for each copy of an autopsy report made available upon request and increases the county's fee for each autopsy performed by the office of the medical examiner.

Senator St. Jean moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 391-FN

The committee of conference to which was referred Senate Bill 391-FN, An Act relative to confidential communications between certain victims and counselors, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Roberge, Dist. 9
Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. Lown, Hills. 9
Rep. Burling, Sull. 1
Rep. Moore, Hills. 5
Rep. Lockwood, Merr. 6

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 320-FN

The committee of conference to which was referred Senate Bill 320-FN, An Act relative to court-ordered commitments having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Senior Assistant Attorneys General. Amend RSA 21-M:3, IV to read as follows:

IV. The attorney general may designate no more than [8] 10 assistant attorneys general to serve as senior assistant attorneys general. Senior assistant attorneys general shall serve as bureau chiefs and in such other positions as the attorney general may determine. Senior assistants shall serve in that capacity at the pleasure of the attorney general. **Notwithstanding any other provision of law, the positions in this section shall be funded within appropriations made to the department of justice for each biennium and through the salary adjustment fund, as needed.**

5 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Preston, Dist. 23
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Gage, Rock. 13
Rep. Sytek, Rock. 20
Rep. Murphy, Hills. 40
Rep. Lockwood, Merr. 6

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 333-FN-A

The committee of conference to which was referred Senate Bill 333-FN-A, An Act making a supplemental appropriation to aid the sensory impaired having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
Sen. Dupont, Dist. 6
Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. Hager, Merr. 21
Rep. Senter, Rock. 9
Rep. Knight, Hills. 6
Rep. Pignatelli, Hills. 31

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 359

The committee of conference to which was referred Senate Bill 359, An Act relative to modifying planning board procedures on plats having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 676:4, I(c) as inserted by section 1 of the bill by replacing it with the following:

(c)(1) The board shall begin formal consideration of the application within 30 days after submission of the completed application. The board shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 90 days after submission, subject to extension or waiver as provided in subparagraph (f). Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all proposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the selectmen or city council to issue an order to the planning board under subparagraph (1), or to certify approval of the plat upon the planning board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

Amend the bill by replacing section 3 with the following:

3 Application. The provisions of sections 1 and 2 of this act shall be prospective only, and shall apply to any application submitted to and accepted as complete by the planning board on or after the effective date of this act.

4 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Heath, Dist. 3
Sen. Johnson, Dist. 17
Sen. Krasker, Dist. 24

*Conferees on the Part
of the House*

Rep. Metzger, Ches. 11
Rep. Wadsworth, Graf. 13
Rep. Dykstra, Hills. 39
Rep. Baldizar, Hills. 22

AMENDED ANALYSIS

This bill amends the process for planning board approval or disapproval of plats. If the planning board fails to approve or disapprove the application, the selectmen or city council are authorized, upon the request of the applicant, to issue immediately an order directing the board to act on the application within 30 days. Failure of the planning board to comply with such order of the selectmen or city council within 40 days of the issuance of the order shall mean the application is approved, unless within those 40 days, the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply.

The bill eliminates the requirement that the applicant must appeal to the superior court over the failure of the planning board to act.

Senator Heath moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 367-FN

The committee of conference to which was referred Senate Bill 367-FN, An Act relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
 Sen. Dupont, Dist. 6
 Sen. Torr, Dist. 21

*Conferees on the Part
of the House*

Rep. MacDonald, Carr. 6
 Rep. Burton, Straf. 4
 Rep. Gage, Rock. 20
 Rep. Cole, Ches. 10

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 371-FN

The committee of conference to which was referred Senate Bill 371-FN, An Act authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 313-A:18 as inserted by section 2 of the bill by replacing it with the following:

313-A:18 Expiration and Renewal of Licenses. Each barber, barber instructor, apprentice, barbershop, [or] barber school, **esthetician, esthetics instructor, esthetics school, esthetics salon, manicurist, apprentice, beauty salon, or manicuring salon** license issued under this chapter shall expire on June 30 in the odd year next succeeding its date of issuance. Each [esthetician, esthetics instructor, esthetics school, esthetics salon,] cosmetologist, [manicurist,] cosmetology instructor, [apprentice, beauty salon, manicuring salon,] or cosmetology school license issued under this chapter shall expire on [June 30] **the birthday of the licensee** in the even year next succeeding its date of issuance. Any license which has expired may be renewed at any time during the year next following upon payment of the renewal fee established by the board and an additional fee of \$5, and at any time during the next succeeding year period upon the payment of the renewal fee and an additional fee of \$10. If the holder of any license fails to renew the same within 2 years after its expiration, he may renew the same within 5 years after expiration by paying the same fee required for an original license.

Amend section 4 of the bill by replacing it with the following:

4 Effective Date.

I. Section 1 of this act shall take effect January 1, 1991.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Freese, Dist. 4
Sen. Disnard, Dist. 8
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. MacDonald, Rock. 7
Rep. Goulet, Hills. 11
Rep. Kane, Rock. 28
Rep. Hager, Merr. 21

AMENDED ANALYSIS

This bill authorizes the cosmetology board to impose additional disciplinary penalties for violation of the barbering, cosmetology, and esthetics law.

The bill also changes the expiration date of certain cosmetology licenses from June 30 in each even year to the birthday of the licensee in each even year.

The bill appropriates funds to the board for the purpose of sending out license renewal notices.

Senator Freese moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 374-FN

The committee of conference to which was referred Senate Bill 374-FN, An Act establishing a study committee to examine probate court reporting requirements having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 1 of the bill by replacing paragraph VI with the following:

VI. One representative from the division of elderly and adult services, appointed by the commissioner of the department of health and human services.

Amend section 1 of the bill by replacing paragraph X with the following:

X. One member of the Office of Public Guardian, appointed by the director of such organization.

Amend section 3 of the bill by replacing paragraph I with the following:

I. The committee shall examine the existing laws, rules, and procedures relating to reporting requirements and responsibilities of individuals responsible for probate estate accounts, probate trust accounts, conservatorship accounts, guardian accounts, powers of attorney, and similar fiduciary accounts and powers.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Krasker, Dist. 24
Sen. McLane, Dist. 15

*Conferees on the Part
of the House*

Rep. Gage, Rock. 13
Rep. Burling, Sull. 1
Rep. Lockwood, Merr. 6
Rep. Martling, Straf. 4

AMENDED ANALYSIS

This bill establishes a committee to examine the existing laws, rules, and procedures governing the reporting requirements and responsibilities of individuals in charge of certain fiduciary accounts.

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 377-FN

The committee of conference to which was referred Senate Bill 377-FN, An Act to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Freese, Dist. 4
Sen. Blaisdell, Dist. 10
Sen. Magee, Dist. 12

*Conferees on the Part
of the House*

Rep. MacDonald, Carr. 6
Rep. Campbell, Belk. 5
Rep. Dyer, Hills. 7
Rep. Ward, Graf. 1

Senator Freese moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 378

The committee of conference to which was referred Senate Bill 378, An Act making technical amendments to the liquor laws having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

*Conferees on the Part
of the Senate*

Sen. Freese, Dist. 4
Sen. Disnard, Dist. 8
Sen. Bartlett, Dist. 19

*Conferees on the Part
of the House*

Rep. Gross, Merr. 16
Rep. Simon, Rock. 9
Rep. Andrews, Hills. 26
Rep. Lemire, Coos 8

Senator Freese moved to adopt the Committee of Conference report.

SENATOR JOHNSON: I would like to ask a question of Senator Freese if I may? I was just wondering what caused us to change our mind with our nonconcurrence with the House?

SENATOR FREESE: We thought it was a better bill this way.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 390

The committee of conference to which was referred Senate Bill 390, An Act relative to laws regarding abuse and neglect of children, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Clarification of Type of Information Required. Amend RSA 169-C:7, III(a) to read as follows:

(a) The date[,] and time, **to the extent known**, the manner and place of the conduct alleged to constitute abuse or neglect, and the statutory grounds upon which the petition is based;

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Nelson, Dist. 13
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Bean, Graf. 13
Rep. Brady, Hills. 33
Rep. Johnson, Hills. 37
Rep. Bowers, Hills. 11

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 397

The committee of conference to which was referred Senate Bill 397, An Act relative to drug testing of drivers and adult pedestrians involved in fatal accidents having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the introductory paragraph of RSA 265:93 as inserted by section 1 of the bill by replacing it with the following:

When an accident results in death or serious bodily injury to any person, all drivers and deceased pedestrians involved shall be tested for blood alcohol content. In case of death or serious bodily injury to any driver, vehicle occupant or pedestrian, a law enforcement officer shall request a licensed physician, registered nurse, certified physician's assistant or qualified laboratory technician to withdraw blood from the body of the driver, deceased occupant or deceased pedestrian for the purpose of testing blood alcohol content; provided that in the case of a living driver the officer has probable cause to believe that the driver was under the influence of alcohol or a controlled drug when driving the vehicle. Any person who has been arrested for a felony level offense involving driving under the influence of alcohol who knowingly refuses to submit to the test shall be guilty of a misdemeanor. All tests made under this section shall be conducted by the division of public health services or in any other laboratory capable of conducting such tests which is licensed under the laws of this or any other state and which has also been licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Improvement Act of 1967, as amended.

*Conferees on the Part
of the Senate*

Sen. Preston, Dist. 23
 Sen. Heath, Dist. 3
 Sen. Johnson, Dist. 17

*Conferees on the Part
of the House*

Rep. Johnson, Merr. 5
 Rep. Murphy, Hills. 40
 Rep. Lozeau, Hills. 25
 Rep. Jasper, Hills. 19

Senator Preston moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 398

The committee of conference to which was referred Senate Bill 398, An Act relative to the east-west highway study having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Torr, Dist. 21
 Sen. Preston, Dist. 23
 Sen. Dupont, Dist. 6

*Conferees on the Part
of the House*

Rep. Phelps, Merr. 1
 Rep. McNerney, Hills. 6
 Rep. Torr, Straf. 6
 Rep. Callaghan, Straf. 11

Senator Torr moved to adopt the Committee of Conference report.

SENATOR NELSON: Senator Torr, I was wondering if this is the bill that contained all the money for all the roads in the State or did we change it or is this a different one?

SENATOR TORR: This bill only contains moneys for our super highway. In truthfulness, Senator Nelson, all this does is expand the east-west highway environmental impact study, including the area of Great Bay, which now makes it palatable for the federal agencies.

SENATOR NELSON: That is all it does, would I be correct in assuming it deleted something and just extended the study for Great Bay, is that what I understand?

SENATOR TORR: What we did is take off the amendment that was put on by the House Appropriations relative to 101.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 406-FN

The committee of conference to which was referred Senate Bill 406-FN, An Act relative to creditable service for retirement purposes for teachers who job share having considered the same, report the committee is unable to reach agreement.

Conferees on the Part of the Senate

Sen. Torr, Dist. 21
Sen. Blaisdell, Dist. 10
Sen. Delahunty, Dist. 22

Conferees on the Part of the House

Rep. MacDonald, Carr. 6
Rep. Campbell, Belk. 5
Rep. King, Hills. 42
Rep. Robinson, Hills. 12

Senator Torr moved to adopt the Committee of Conference report.

Adopted.

RESOLUTION

Senator Heath introduced **Senate Resolution 8**, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools.

SENATOR HEATH: Earlier this session, we passed Senate Concurrent Resolution 1, which urges the teaching of the Federal Constitutional, the Declaration of Independence, the Federalist Papers, and the New Hampshire Constitution in the State of New Hampshire. It was endorsed by the New Hampshire Board of Education. The Resolution originally came out of a resolution of 100th Congress urging States to reinvest in the teaching of these founding documents. The National Bar Association has endorsed it, the NCSL, ALEC, hundreds of groups, and hundreds of legislative bodies have adopted a similar resolution. This one having no opposition here passed unanimously, went to the House, had no opposition, or testimony and the Education committee of the House, apparently fearing the contents of the Federalists papers, 15-0 voted to kill it and send it to the House on consent calendar. It seems to me since we were already unanimously on record, some record should go forth from this body so it is here now that the resolution of the Senate because I don't feel that the Senate fears the contents of those radical documents and that the Senate should at least be on record as having stood behind

this. It's not just feel good, and I know some people kidded me about that. But the fact is that there is an illiteracy about our founding documents in our schools and in schools across the country, as you heard demonstrated here by sections of the Hearst report where forty-five percent of the children in school in this country didn't understand that some language out of the Communist Manifesto was not in fact out of our constitution. There's that kind of problem out there. So we need to remind our schools occasionally that these are important documents, that the understanding of not only what they do in Washington but what we do here. So I urge your support one more time on this resolution.

SR 8

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION

requesting the teaching of the founding of the state
and the nation and related documents in
New Hampshire public high schools.

Whereas, the adoption of the Declaration of Independence in 1776 and of the Bill of Rights were principal events in the history of the United States, the Declaration of Independence providing the philosophical foundation on which this nation rests and the first 10 amendments to the Constitution of the United States and the Bill of Rights providing a statement of the fundamental rights of the people; and

Whereas, the Federalist Papers embody the most eloquent and forceful argument made in support of the adoption of our republican form of government; and

Whereas, the New Hampshire Constitution lays the foundation for our own state government and eloquently testifies to our own special New Hampshire values; and

Whereas, these documents stand as the foundation of our form of democracy providing at the same time the touchstone of our national and state identity and the vehicle for orderly growth and change; and

Whereas, many Americans lack even the most basic knowledge and understanding about the history of our nation and the principles set forth in the Declaration of Independence, codified in the Bill of Rights and defended in the Federalist Papers; and

Whereas, many New Hampshire citizens are unaware of the importance and magnitude of our state constitution; and

Whereas, the survival of the republic requires that our nation's children, the future guardians of its heritage and participants in its governance, have a firm knowledge and understanding of its principles and history; now, therefore, be it

Resolved by the Senate:

That local school district boards are urged to require the teaching of the founding of the state and the nation and related documents during the high school years which shall include at least the major principles in the New Hampshire Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers; and

That local school district boards are urged to require that high school students demonstrate a level of knowledge and understanding of the New Hampshire Constitution and the nation's founding and related documents as determined by the local school boards in order to graduate from high school; and

That local school district boards are urged to include among requirements for graduation a passing grade in all courses which include primary emphasis on the instruction of the New Hampshire Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers; and

That local school district boards are urged to call for the requirement that any curriculum-based tests developed and administered statewide beginning with academic year 1991-92 include questions related to the New Hampshire Constitution, the Declaration of Independence, the Bill of Rights, and the Federalist Papers; and

That the local school district boards are urged to establish curriculum content and provide for teacher training to ensure that the intent and provisions of this resolution are carried out. Such curriculum content should include a review of the contributions made by Americans of all races and cultures during the period in which our nation was founded; and

That a suitable copy of this resolution be presented to the governor; the secretary of state; the commissioner, department of education; the chairman, state board of education; and to each of the chairmen of the local school district boards.

Adopted.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the amendments to the following entitled bill sent down from the Senate:

HB 1129-FN-A, authorizing the department of environmental services to cleanup the Gilson Road waste site and making an appropriation therefor; relative to a town annexation procedure, relative to waste management council, and relative to toxic in packaging.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the committee of conference reports to which was the following entitled bills:

HB 149-FN, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control.

HB 409-FN, relative to licensing professional foresters.

HB 756-FN, relative to cluster development and multi-family dwellings.

HB 1020, relative to motors and horsepower of motors on Elbow Pond in the town of Andover.

HB 1027-FN, establishing a black bear management program and requiring a special bear license.

HB 1060-FN, establishing a committee to study medical injury compensation and discipline of physicians.

HB 1070-FN-A, relative to the data processing and computer management study committee and making an appropriation therefor.

HB 1083, establishing speed limits for the operation of OHRVs.

COMMITTEE OF CONFERENCE REPORTS

COMMITTEE OF CONFERENCE REPORT ON HB 363-FN

The committee of conference to which was referred House Bill 363-FN, An Act relative to the issuing of trapping licenses having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the House.

*Conferees on the Part
of the Senate*

Sen. Bond, Dist. 1
 Sen. Freese, Dist. 4
 Sen. Preston, Dist. 23

*Conferees on the Part
of the House*

Rep. Boucher, Rock. 23
 Rep. Dionne, Straf. 5
 Rep. Pfaff, Merr. 9
 Rep. Perham, Hills. 10

Senator Bond moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1382-FN-A

The committee of conference to which was referred House Bill 1382-FN-A, An Act relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10
 Sen. Hough, Dist. 5
 Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. Ward, Graf. 1
 Rep. Powers, Carr. 5
 Rep. Gross, Merr. 16
 Rep. King, Hills. 42

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

ENROLLED BILLS REPORT

HB 514, relative to rulemaking authority of the director; division of public health services.

HB 1092, relative to low and moderate income housing, equity sharing, and reverse equity loans.

HB 1112, relative to the number of registered voters necessary to petition for an article on a town meeting warrant and removing the requirement that a town have a population of 5,000 or more to elect a board of selectman of 5 members.

HB 1153, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law.

HB 1284, relative to penalties of the weights and measures law and the inspectors and officials enforcing same.

HB 1315 relative to child support guidelines and to guardians ad litem appointed in marital cases.

HB 1348, establishing a committee to oversee the preliminary steps in the creation of an access to health care program and making an appropriation therefor.

HB 1357, relative to the rulemaking authority of the commissioner of environmental services.

HB 1379, relative to notice given to affected municipalities concerning effluent discharges.

HB 1386, relative to child support enforcement.

HB 1394, relative to the election of optional retirement allowances.

HB 1415, relative to OHRV safety and training.

SB 301, relative to licensing commercial vehicle drivers' and to the demerit point system used to revoke or suspend certain drivers' licenses.

SB 313, relative to the Nashua courthouse and making an appropriation therefor.

SB 321, relative to group health insurance.

SB 324, relative to the Spaulding Turnpike and making an appropriation therefor.

SB 338, relative to raising of funds by the trust fund for the prevention of child abuse and neglect.

SB 380, establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.

SB 386, relative to a public trust grant for the town of Lincoln's water supply and Loon Mountain Recreation Corporation's snow-making.

SB 392, relative to the Spaulding Turnpike.

SB 401, relative to fines imposed for DWI.

HB 1073, relative to sales representatives' contracts.

HB 1222, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup.

HB 519, relative to minimum standards for modular buildings.

HB 1300, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects.

SB 402, relative to certain positions in the insurance department and making appropriations therefor.

ENROLLED BILL AMENDMENTS

Enrolled Bill Amendment to SB 309-FN-A

Amend RSA 216-A:15, III as inserted by section 3 of the bill by replacing line 1 with the following:

III. The governor shall select a chairperson from the above 16

Senator Currier for the committee.

SENATOR CARRIER: This amendment corrects a mathematical error.

Adopted.

Enrolled Bill Amendment to HB 1218-FN

Amend the bill by replacing section 2 with the following:

2 Bail Commissioners; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority[, or directors, officers and employees of the New Hampshire energy authority] seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attor-

ney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

3 Provision in 1990, 70:2 Not to Take Effect. 1990, 70:2 shall be null and void and of no effect.

4 Effective Date.

I. Section 2 of this act shall take effect January 30, 1991.

II. The remainder of this bill shall take effect upon its passage.

Senator Currier for the committee.

SENATOR CURRIER: This amendment incorporates a change made to RSA 99:d,2, in 1990, and RSA 7:2 which was Senate bill 314 effective January 30, 1991.

Adopted.

Enrolled Bill Amendment to HB 1195-FN

Amend section 6 of the bill by replacing lines 2-4 with the following:

its passage.

II. Section 5 of this act shall take effect upon its passage.

III. Section 3 and 4 of this act shall take effect as provided in section 5 of this act.

Senator Currier for the committee.

SENATOR CURRIER: This enrolled bill amendment makes a technical correction to the effective date.

Adopted.

Enrolled Bill Amendment to HB 1310-FN

Amend 1989, 403:4, II as inserted by section 3 of the bill by replacing line 3 with the following:

than January 1, 1991, and recommend proposed legislation for the 1991

Senator Currier for the committee.

SENATOR CURRIER: This amendment corrects a technical error.

Adopted.

Enrolled Bill Amendment to HB 670-FN

Amend the bill by replacing section 4 with the following:

4 Contingency Provision. If HB 1200-FN, "An act to change the name of the governor's commission for the handicapped," becomes law, the term "physically handicapped" shall be changed to "physically disabled" in section 1 of this act.

5 Effective Date. This act shall take effect July 1, 1990.

Senator Currier for the committee.

SENATOR CURRIER: This amendment provides a contingency provision in the event that HB 1200-FN of the 1990 legislative session becomes law to change the term physically handicapped to physically disabled.

Adopted.

Enrolled Bill Amendment to HB 716

Amend the bill by replacing paragraph X of section 2 of the bill with the following:

X. Saf-C 404.24, riding on gunwales, bow, and transom.

Senator Currier for the committee.

SENATOR CURRIER: The amendment corrects a technical error in the reference to the Department of Safety Administrative Rules.

Adopted.

Enrolled Bill Amendment to HB 1256-FN

Amend section 4 of the bill by inserting after paragraph II the following new paragraph:

III. Section 3 of this act shall take effect upon its passage.

Senator Currier for the committee.

SENATOR CURRIER: This amendment makes a technical correction to the effective date.

Adopted.

Enrolled Bill Amendment to HB 1151-FN

Amend the bill by replacing section 9 with the following:

9 Contingency. If HB 1379-FN, "An act relative to notice given to affected municipalities concerning effluent discharges," becomes law, RSA 485-A:2, XVII as inserted by section 3 of this act shall be renumbered to RSA 485-A:2, XVI-a and RSA 485-A:6, XI-a as inserted by section 5 of this act shall be renumbered to RSA 485-A:6, XI-b.

10 Effective Date.

I. Sections 8 and 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

Senator Currier for the committee.

Adopted.

RECONSIDERATION

Senator Dupont moved reconsideration of **HB 1506**, relative to employee layoffs, classified state employees, and the rulemaking authority of the commissioner of environmental services whereby the bill was ordered to Third Reading.

Adopted.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: There is a floor amendment, which is being distributed now. Simply what it does is, it amends our revenue estimates to accommodate a number of bills that we have had go through these bodies that changed the amount of revenue that the State of New Hampshire is going to receive. In order for our revenue estimates to be official, we need to pass this floor amendment. The reason this bill was recalled from third reading and final passage was to do this. This has been drafted by the Legislative Budget Assistant's office, and basically it makes official the revenue estimates which we have impacted based on our previous actions throughout the session. This does not deal with the expenditures side. All we are talking about is things that we have done to enhance revenues.

SENATOR PRESTON: Just briefly, does this relate to those jobs that were cut off or the people who were fired under the recent cutbacks.

SENATOR DUPONT: Senator, this merely refers to the side of State government where we raise the money. The savings that you speak of came obviously under the expenditures side. One of the changes, just to point out something that we did in this session, was we amended the rooms and meals tax, we appropriated 1 million of that money to increase promotion budgets for the State. We counted the gross amount minus the 1 million dollars in our original revenue estimate. This puts the million dollars where it belongs. Technical changes like that.

SENATOR JOHNSON: I'm looking at page two here, under courts, savings bank tax total, so we have increased the estimate for 1990 about 1 million dollars?

SENATOR DUPONT: That is correct, Senator.

SENATOR JOHNSON: And then for the same line in 1991, it looks like about 2.8. Would you mind just telling me what is the basis of what appears to be an increase in revenue estimate in a time when the indicators are that there is going to be a decrease in the revenue from the estimate?

SENATOR DUPONT: Senator, there were a number of bills that we passed this session that raised fees, for example, that impact our revenues and basically a good portion of it is from that. There is another million dollars that is to be classification of an action put it in the right place on the revenue side. Those are the types of things that we are doing when we adopt this revenue.

SENATOR JOHNSON: My final question, basically this then is a reflection of some of the action that we have taken that did not appear in the original budget?

SENATOR DUPONT: That is correct, because we made changes that increased the states revenue we have to reflect it in our revenue estimates.

Floor Amendment to HB 1506-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state employee layoffs, classified state employees,
the rulemaking authority of the commissioner of
environmental services, and changing
revenue estimates.

Amend the bill by replacing section 9 with the following:

9 Revenue Estimates. Amend 1989, 365:25 as amended by 1990, 1:19 to read as follows:

365:25 Estimates of Unrestricted Revenue.

GENERAL FUND	1990	1991
Beer	\$ 12,475,000	\$ 13,850,000
Board and Care	15,475,000	16,300,000
Business Profits Tax	114,000,000	119,700,000
Estate and Legacy Tax	29,500,000	29,500,000
Insurance	44,000,000	46,000,000
Interest and Dividend Tax	38,000,000	40,000,000
Liquor	56,465,000	[60,100,000]
		60,300,000
Meals and Room Tax	85,775,000	[95,775,000]
		96,775,000
Parks Income	6,725,000	7,400,000
Dog Racing	7,725,000	7,725,000
Horse Racing	3,565,000	4,075,000
Real Estate Transfer Tax	37,125,000	34,050,000
Communications Tax	14,800,000	24,200,000
Cigarette Tax	39,200,000	44,550,000
Utilities	9,500,000	10,000,000
Other	[44,500,000]	
	45,250,000	[47,300,000]
		48,850,000
Courts	22,000,000	23,650,000
Savings Bank Tax	12,500,000	13,000,000
Total	[\$593,330,000]	\$637,175,000]
	594,080,000	639,925,000

HIGHWAY FUND	1990	1991
Gasoline Road Toll	\$ 83,750,000	\$ 93,230,000
Motor Vehicle Fees	56,500,000	59,100,000
Miscellaneous	8,950,000	9,350,000
Total	\$149,200,000	\$161,680,000

FISH AND GAME FUND

Fish and Game Licenses	\$ 5,550,000	\$ 5,870,000
Fines and Penalties	70,000	70,000
Miscellaneous Sales	150,000	150,000
Indirect Costs	150,000	125,000
Total	\$ 5,920,000	\$ 6,215,000

9 Effective Date.

I. Section 3 of this act shall take effect July 1, 1990.

II. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that state employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law be rehired, if positions for which the person meets the minimum requirements become available in any department or establishment, as long as such person is not currently employed by the state of New Hampshire. The same preference is to be given to any person bumped as a result of the layoffs. If more than one employee meets the qualifications for the position, the position is to be filled in order of seniority.

The bill also continues state-paid medical or health care coverage for state employees who were laid off or bumped as a result of the layoff process in 1990, 1:16 for 3 months in certain circumstances at 100 percent and for the next 3 months at 50 percent.

The bill clarifies when classified state employees can engage in political activities and allows state employees to cure any potential conflicts of interest between their employment and political activities. The bill also clarifies how a determination of an impermissible conflict is made.

This bill authorizes the commissioner of environmental services to adopt rules for the department, and to reorganize the rules of the department and make certain reference changes in the rules to reflect departmental reorganization.

The bill also increases certain 1990-91 revenue estimates.

Amendment adopted.

Senator Torr moved to have **HB 1506-FN** Laid on the Table.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 430-FN

The committee of conference to which was referred House Bill 430-FN, An Act relative to certification for real estate appraisers having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Publication of Notice. Amend RSA 479:25, I to read as follows:

I. Notice of such sale shall be published once a week for 3 successive weeks in some newspaper [of state-wide circulation or] of general circulation within the town or county in which the property is situated. In the event that the mortgaged premises are situated in more than one county, publication in a newspaper of state-wide circulation shall be sufficient. The first publication shall be not less than 20 days before the date of sale, calculated by excluding the date of publication of the first notice and the date of sale.

5 Report. The board established under RSA 310-B:4 shall report on the status of its operations, to include the number of certifications issued, moneys collected and the board's proposed schedule for repayment of general funds appropriated by section 6 of this act, to the governor, senate president and speaker of the house on or before January 1, 1992.

6 Appropriation. The sum of \$40,000 is hereby appropriated to the real estate appraiser board for the biennium ending June 30, 1991, for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 5 of this act shall take effect July 1, 1991.

II. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. St. Jean, Dist. 20
Sen. Bartlett, Dist. 19
Sen. Preston, Dist. 23

*Conferees on the Part
of the House*

Rep. MacDonald, Rock. 7
Rep. Goulet, Hills. 11
Rep. Dunn, Merr. 21
Rep. Hall, Merr. 7

Senator St. Jean moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1015

The committee of conference to which was referred House Bill 1015, An Act prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Section; Operation of Seaplanes or Helicopters; Emergencies. Amend RSA 270 by inserting after section 13 the following new section:

270:13-a Operation of Seaplanes or Helicopters; Emergencies.

I. Any seaplane or any helicopter on floats which land on public waters in an emergency shall be exempt from all laws and rules concerning the operation of boats for the purpose of landing and taking off from such public waters.

II. Any seaplane or any helicopter on floats which qualifies under this section shall exercise due caution and respect for the rights and safety of any person or boat using the public waters.

III. For purposes of this section the term "emergency" shall cover situations involving severe adverse weather conditions, the failure of aircraft components, or a bona fide medical emergency.

*Conferees on the Part
of the Senate*

Sen. Heath, Dist. 3
Sen. Preston, Dist. 23
Sen. King, Dist. 2

*Conferees on the Part
of the House*

Rep. Klemarczyk, Rock. 13
Rep. Katsakiores, Rock. 7
Rep. Malcolm, Rock. 17
Rep. Nelson, Coos 8

AMENDED ANALYSIS

This bill exempts seaplanes and helicopters on floats from laws and rules concerning the operation of boats on public waters, in certain emergency situations.

Senator Heath moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1062

The committee of conference to which was referred House Bill 1062, An Act relative to record books kept by registers of deeds having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 3 with the following:

3 Grants of Rights to Winconia, Incorporated.

I. Grant of Rights. The state of New Hampshire hereby grants to Winconia, Incorporated for consideration of \$5,000 all of its right, title and interest in and to the real estate described in section 2 of this act, including any previously-filled land lying above the current highwater mark of Lake Winnisquam. This grant shall be evidenced by an instrument conveying such rights to Winconia in the form specified in paragraph II. Such instrument shall be in writing, executed and acknowledged by the state treasurer, attested by the secretary of state, and recorded in the Belknap county registry of deeds. The instrument shall be accompanied by an attestation of consideration, in the form required by RSA 78-B:10, executed and acknowledged by the state of New Hampshire as grantor and Winconia, Incorporated as grantee. Nothing in this act or in such instrument shall include or be construed as the grant of permission or other right to fill additional land after the effective date of this act, except as otherwise permitted by law.

II. Form of Instrument.

DEED

The state of New Hampshire, an independent body politic with a mailing address of State House Plaza, Concord, New Hampshire 03301 ("grantor"), for consideration of \$5,000, grants to Winconia, Incorporated, a New Hampshire corporation with a mailing address of 9560 SW Hermann Road, Tualatin, OR 97062 ("grantee"), all of the grantor's right, title and interest in and to the land and building located at 210 Fair Street, Laconia, New Hampshire, and more particularly described in the Warranty Deed recorded in the Belknap County Registry of Deeds at book 889, page 870, and dated December 19, 1984, from John A. MacAllister and Dorothy F. MacAllister to grantee (the "Premises"). The Premises and Grantor's conveyance herein shall include the entire Lot 4A as shown on the plan entitled "Proposed Subdivision of Belknap Industries, Inc., Fair Street, La-

conia, NH" by Harold E. Johnson, Inc., Dated March, 1978, Scale 1" = 50', recorded in the Belknap County Registry of Deeds in Plan Book 69, Pages 29 and 30, and specifically includes any and all filled land existing on the date hereof above the current highwater mark of Lake Winnisquam.

This deed is given and delivered pursuant to 1990 N.H. Laws Ch. _____.

IN WITNESS WHEREOF, the State of New Hampshire has caused this instrument to be duly executed, acknowledged and delivered this _____ day of _____, 1990.

THE STATE OF NEW HAMPSHIRE

Witness By: Its Treasurer,
Duly Authorized

ATTEST:

New Hampshire Secretary of State [Seal]
STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 1990 by _____, the Treasurer of The State of New Hampshire, an independent body politic, on behalf of the State.

Notary Public/Justice of the Peace

*Conferees on the Part
of the Senate*

Sen. Disnard, Dist. 8
Sen. Delahunty, Dist. 22

*Conferees on the Part
of the House*

Rep. Daneault, Merr. 8
Rep. Brungot, Coos 8
Rep. Middleton, Sull. 6

Senator Freese moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1114-FN-A

The committee of conference to which was referred House Bill 1114-FN-A, An Act relative to a study of care of the elderly and making an appropriation for meals on wheels.

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10

Sen. Podles, Dist. 16

Sen. Dupont, Dist. 6

*Conferees on the Part
of the House*

Rep. Sochalski, Rock. 23

Rep. Pappas, Hills. 37

Rep. Copenhaver, Graf. 12

Rep. Ward, Graf. 1

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1120

The committee of conference to which was referred House Bill 1120, An act relative to notice of insurance cancellation having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 1 with the following:

2 New Section; Cancellation or Non-renewal of Group Insurance Contracts. Amend RSA 415 by inserting after section 18-a the following new section:

415:18-b Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer, except for non-payment of premium, unless the group policyholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the insured or mailed to the insured's last address as shown in the records of the insurer at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the policy, shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insured, at least 30 days prior to the effective date of the cancellation.

3 New Sections; Cancellation or Non-Renewal of Group and Non-Group Insurance Contracts. Amend RSA 420-A by inserting after section 7-b the following new sections:

420-A:7-c Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer, except for non-payment of premium, unless the group contractholder receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the insured or mailed to the insured's last address as shown in the records of the insurer at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the contract, shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer; at least 30 days prior to the effective date of the cancellation.

420-A:7-d Cancellation or Non-Renewal of Non-Group Insurance Contracts. No non-group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer except for non-payment of premium, unless the insured receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the insured or mailed to the insured's last address as shown in the records of the insurer at least 30 days prior to the renewal date of the contract.

4 New Sections; Cancellation or Non-renewal of Group and Non-Group Insurance Contracts. Amend RSA 420-B by inserting after section 8-b the following new sections:

420-B:8-c Cancellation or Non-renewal of Group Insurance Contracts. No group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer, except for non-payment of premium, unless the insured receives either a notice of cancellation or non-renewal or an offer of renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the insured or mailed to the insured's last address as shown in the records of the insurer at least 45 days prior to the renewal date of the contract. Notice of cancellation for lack of participation, if permitted by the terms of the policy, shall be delivered to the group policyholder or mailed to the group policyholder's last address as shown in the records of the insurer; at least 30 days prior to the effective date of the cancellation.

420-B:8-d Cancellation or Non-Renewal of Non-Group Insurance Contracts. No non-group accident or health insurance contract, authorized under this chapter, may be cancelled or non-renewed by the insurer except for non-payment of premium, unless the insured receives either a notice of cancellation or non-renewal or an offer of

renewal in accordance with this section. The notice of cancellation or non-renewal or offer of renewal shall be delivered to the insured or mailed to the insured's last address as shown in the records of the insurer at least 30 days prior to the renewal date of the contract.

5 Effective Date. This act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Freese, Dist. 4
Sen. Charbonneau, Dist. 14
Sen. Magee, Dist. 12

*Conferees on the Part
of the House*

Rep. Packard, Hills. 15
Rep. Fair, Merr. 7
Rep. MacAskill, Sull. 9
Rep. Braiterman, Merr. 3

AMENDED ANALYSIS

This bill requires insurers issuing accident and sickness policies or contracts under RSA 415, to give the insured 30 days' notice prior to non-renewal, cancellation, or renewal.

This bill requires group hospital, surgical, medical insurance plans, and health maintenance organizations to notify the insured 45 days prior to cancelling a group policy and to provide notice of the right to continue coverage. Those insured under non-group health or accident insurance contract are to receive 30 days, prior to the renewal date of the contract, notice of cancellation, non-renewal or offer of renewal.

Senator Freese moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1162-A

The committee of conference to which was referred House Bill 1162-A, An Act relative to the railroad banking program having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 4 with the following:

4 Purpose and Intent. The general court finds that it is in the public interest to preserve railroad rights-of-way, bridges, and associated rail properties. Railroad properties provide unique corridors

which offer recreational opportunities for hiking, horseback riding, snowmobiling, and other such activities. Further, railroad rights-of-way and associated rail properties may be needed again in the future for transportation purposes. The general court, therefore, finds that it is in the public interest to appropriate funds for the purchase of abandoned railroad rights-of-way and other rail properties.

Amend the bill by replacing sections 6-8 with the following:

6 New Section; Suspension or Revocation of Registration. Amend RSA 261 by inserting after section 179 the following new section:

261:180 Mandatory Suspension or Revocation of Registration.

I. No person shall register any type of motor vehicle in this state while his license is under revocation or suspension for any of the reasons listed in paragraph III of this section. Any person who registers a vehicle while his license is under suspension or revocation for any reason under paragraph III shall be guilty of a violation, and shall have his registration revoked.

II. A person whose license is under suspension or revocation for any of the reasons listed in paragraph III of this section who registers a vehicle shall not be entitled to a refund of either the municipal permit fee or the registration fee.

III. The commissioner, when suspending a driver's license or privilege to drive because the driver is an habitual offender or has been convicted of negligent homicide involving the use of a motor vehicle, manslaughter involving the use of a motor vehicle, a subsequent offense of driving under the influence of intoxicating liquor or any controlled drug under RSA 265:82, or aggravated driving while intoxicated under RSA 265:82-a, shall also revoke the registration of any vehicle registered to the individual whose license is being revoked or suspended, for the period of revocation or suspension of the license or privilege to drive.

IV. The commissioner shall establish, pursuant to RSA 541-A, a system for providing a hardship registration for an additional fee of \$10 on a vehicle registered to a person whose license is under suspension or revocation and whose registration has also been suspended or revoked pursuant to this section.

7 Registration Fee; New Fund. RSA 263:42, V is repealed and reenacted to read as follows:

V. Whenever a registration has been suspended, a fee of \$25 shall be paid for the restoration of such registration. This \$25 shall be placed in a special fund, known as the supplementary motor vehicle fund. Moneys from this fund may be used by the commissioner for personnel or equipment or both as necessary to carry out the provisions of RSA 261:180, subject to the approval of the fiscal com-

mittee and the governor and council. All sums in the supplementary motor vehicle fund in excess of \$300,000 as of June 30 of each year, shall lapse into the highway fund.

8 New Paragraph; Period of Suspension. Amend RSA 265:82-b by inserting after paragraph IV the following new paragraph:

V. Any person convicted of a violation of RSA 265:82 or RSA 265:82-a, whose conviction is not based upon a complaint which alleges prior convictions as provided in RSA 265:82-b, I(b)(1), but who is found to have had one or more prior convictions in this state or another state within 7 years preceding the date of the second or subsequent offense shall have his driver's license or privilege to drive revoked for not less than 180 days nor more than 3 years. In addition, the court may order such person to attend an alcohol education program, as defined in RSA 263:65-a, for a period not to exceed 30 days.

Amend the bill by replacing all after section 11 with the following:

12 Successful Completion Defined. RSA 263:65-a is repealed and reenacted to read as follows:

263:65-a Attendance at Alcohol Education Program Required.

I. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265:82 or 82-a until such person has furnished proof of successful completion of an alcohol education program which is:

(a) Approved by the director of the office of alcohol and drug abuse prevention and the commissioner pursuant to RSA 172-B:2-a; or

(b) Approved by the court, in the case of a person who is not a resident of this state.

II. For the purposes of this section "successful completion" means meeting further counselling requirements, if any, arising out of the final evaluation given to the offender at the alcohol education program. In no event shall such additional counselling requirements extend in duration beyond 6 months from the date of such final evaluation, without first giving the offender the right to a hearing before the commissioner to determine whether he is eligible for license restoration.

13 Effective Date.

I. Sections 1-4, 7, 10 and 11 of this act shall take effect July 1, 1990.

II. The remainder of this act shall take effect November 1, 1990.

*Conferees on the Part
of the Senate*

Sen. Preston, Dist. 23
 Sen. Heath, Dist. 3
 Sen. King, Dist. 2

*Conferees on the Part
of the House*

Rep. Hoar, Rock. 6
 Rep. Gage, Rock. 13
 Rep. Stewart, Graf. 4
 Rep. Oleson, Coos 7

Senator Preston moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1174-FN

The committee of conference to which was referred House Bill 1174-FN, An Act relative to laws regarding children and minors, having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 9 and 10 with the following:

9 Clarification of Definition; CHINS. Amend RSA 169-D:2, IV(b) to read as follows:

(b) A child who habitually runs away from home, or [otherwise] **who** repeatedly disregards the reasonable and lawful commands of his parents, guardian or custodian **and places himself or others in unsafe circumstances;** or

10 New Paragraphs; Petition Alleging Child to Need Services; Educationally Handicapped Child. Amend RSA 169-D:5 by inserting after paragraph IV the following new paragraphs:

V. Except as provided in paragraph VI, when a school official is filing the petition he shall include information which shows that the legally liable school district has sought to resolve the expressed problem through available educational approaches, that the problem remains, and that court intervention is needed.

VI. When a school official is filing a petition involving a child determined to be educationally handicapped pursuant to RSA 186-C, he shall include information which demonstrates that the legally liable school district:

(a) Has determined that the child is educationally handicapped; and

(b) Has reviewed the services contained in the child's individualized education program (IEP) and made recommendations for the provision of such services to the child.

Amend the bill by deleting sections 6 and 14 and renumbering the original sections 7-13 and 15-23 to read as 6-21, respectively.

Amend the bill by inserting after section 20 the following new section and renumbering section 21 to read as 22:

20 Contingent Provision. If HB 1200-FN of the 1990 legislative session, "An Act to change the name of the governor's commission for the handicapped," becomes law, the term "educationally handicapped" shall be changed to "educationally disabled" in section 9 of this act.

*Conferees on the Part
of the Senate*

Sen. Krasker, Dist. 24
Sen. McLane, Dist. 15
Sen. Bond, Dist. 1

*Conferees on the Part
of the House*

Rep. Bean, Graf. 13
Rep. McCain, Rock. 11
Rep. Wallner, Merr. 21
Rep. Bowers, Hills. 11

AMENDED ANALYSIS

This bill makes several changes in laws relative to children and minors, including requiring that New Hampshire recognize the emancipation of a minor when the minor provides documentation that he had been emancipated in accordance with the laws of another state.

The bill also redefines a child in need of services as a child who is less than 18 years of age on the date the petition alleging the child is in need of services is filed.

The bill requires that in order to remove a child in need of services from his home, (1) clear and convincing evidence must be presented to the court to show it is against the child's best interest to remain in the home, and (2) a case plan for return of the child to the home has been recommended by the division for children and youth services and ordered by the court, provided that in cases brought by a parent, guardian, or custodian, the parent, guardian, or custodian must consent to the order.

The bill permits the district court to order a mental health evaluation of a child alleged to be in need of services for the purpose of determining if the child is competent to have committed the acts alleged in the petition. The court may order such evaluation either on its own motion or that of any of the parties.

The bill also makes some minor statutory changes relative to the admission of children to the Philbrook center for children and youth.

Senator Krasker moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1181-FN

The committee of conference to which was referred House Bill 1181-FN, An Act reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford road toll plaza, having considered the same, report the committee is unable to reach agreement.

Conferees on the Part of the Senate

Sen. Torr, Dist. 21
Sen. Roberge, Dist. 9
Sen. Nelson, Dist. 13

Conferees on the Part of the House

Rep. Phelps, Merr. 1
Rep. Marsh, Coos 1
Rep. Alukonis, Hills. 19
Rep. Frechette, Straf. 8

Senator Torr moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1182-FN

The committee of conference to which was referred House Bill 1182-FN, An Act relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 31 with the following:

31 Plymouth Liquor Store. Notwithstanding any other provision of law, the department of transportation shall issue a driveway permit for more direct access to the Plymouth liquor store on route 3-A. Construction costs of the driveway shall be assumed by the property owner and such driveway permit shall be rescinded if and when the liquor store is no longer located at such site.

*Conferees on the Part
of the Senate*

Sen. Torr, Dist. 21
Sen. Nelson, Dist. 13
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Phelps, Merr. 1
Rep. Driscoll, Graf. 8
Rep. Frechette, Straf. 8
Rep. Pearson, Belk. 5

AMENDED ANALYSIS

This bill inserts a budget footnote which allows the public works bureau of the department of transportation to expend revenues in excess of its budget estimate, with the prior consent of the fiscal committee and the approval of the governor and council.

This bill extends, to June 30, 1991, certain appropriations made to the department of resources and economic development, the department of fish and game, and the department of transportation.

The bill also increases the maximum amount of funds, which may be available for winter ski operations at Mount Sunapee and Cannon Mountain, from \$200,000 to \$400,000 each fiscal year.

The bill levies a gasoline floor tax of 2 cents per gallon on distributors, wholesalers, and retailers beginning 5 working days after passage of the bill. The bill also appropriates 88 percent of the additional \$.04 per gallon road toll, to the department of transportation for expenditure in counties for highway construction, reconstruction, and resurfacing, and for bridge maintenance, on class I, II, and III highways.

The bill makes adjustments to certain capital projects' bond authorization.

The bill also allows the port authority to make business arrangements with foreign countries and their port entities.

This bill requires the department of transportation to issue a driveway permit for access to the Plymouth liquor store on Route 3-A.

The bill lowers certain fees that were raised earlier in the 1990 legislative session to the levels the fees were at before the increases. The increases are to be reinstated July 1, 1990.

Senator Torr moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1231-FN

The committee of conference to which was referred House Bill 1231-FN, An Act relative to the 10-year state highway plan and the governor's advisory commission on highways having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 New Sections; New Hampshire Routes 101 and 51. Amend 1986, 203 by inserting after section 7 the following new sections:

203:7-a New Hampshire Routes 101 and 51. The commissioner of the department of transportation shall implement as highest priority the projects on New Hampshire Route 101 and Route 51 as identified in 1986, 203:4, I(g) 5, 6, 7, 9 and 1986, 203:4, I(f)(1) and is hereby directed, notwithstanding any other law to the contrary, to do the following:

I. Upon the effective date of this section, direct as many of his staff and consultants as he deems necessary to immediately begin an environmental impact study of these New Hampshire Routes 101 and 51 projects and complete the same on or before 12 months from the effective date of this section. All state agencies shall cooperate with the department when such agencies are involved in the environmental impact study.

II. Upon satisfactory acceptance of the environmental impact statement and receipt of the necessary permits, the department shall immediately begin each phase of the 10-year construction plan applicable to these projects.

III. Utilize state and federal funds previously apportioned or transferred to the federal aid primary category for these projects.

IV. Allocate new federal fiscal year apportionments to these projects in each ensuing federal fiscal year to reserve and provide for any additional federal or state requirements to meet the estimated, revised, and/or approved expanded construction costs.

V. Commit in each state fiscal year until construction is completed the department of transportation allocation from the federal obligational authority, and encumber such sums in a sufficient amount to carry out all preliminary cost requirements and construction costs applicable to these projects.

VI. The federal obligational authority to expend federal funds committed in paragraph V shall not be transferred or authorized to be expended for any other purpose without specific legislation by the general court.

203:7-b Federal Funds. The commissioner of the department of transportation shall take all necessary actions to ensure that the state of New Hampshire does not lapse or lose the federal funds apportioned to the state.

*Conferees on the Part
of the Senate*

Sen. Torr, Dist. 21
Sen. Preston, Dist. 23
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Phelps, Merr. 1
Rep. Scamman, Rock. 19
Rep. Gross, Merr. 16
Rep. Frechette, Straf. 8

Senator Torr moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1250-FN

The committee of conference to which was referred House Bill 1250-FN, An Act relative to employees of the dog and horse racing industry having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

*Conferees on the Part
of the Senate*

Sen. Magee, Dist. 12
Sen. Blaisdell, Dist. 10
Sen. Disnard, Dist. 8

*Conferees on the Part
of the House*

Rep. Hawkins, Belk. 5
Rep. Turner, Belk. 11
Rep. Weymouth, Graf. 2
Rep. Toomey, Hills. 27

Senator Magee moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1252-FN

The committee of conference to which was referred House Bill 1252-FN, An Act to establish a revolving fund for publications and training in the department of environmental services having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 21-O:1-a, I as inserted by section 1 of the bill by replacing it with the following:

I. Printing materials for distribution. A reasonable charge shall be established for each copy of a document. This charge shall be only in the amount necessary to pay the cost of producing such document. The department of environmental services shall first request the department of corrections to perform the printing functions required under this paragraph. If the department of corrections is unable to print the materials required for distribution the department of environmental services may then request any other state-owned printing facility to perform this function, and if all other state-owned printing facilities are unable to perform this request, the department of environmental services may then request public bids from privately owned printing facilities to print the materials.

*Conferees on the Part
of the Senate*

Sen. Freese, Dist. 4
Sen. Delahunty, Dist. 22
Sen. Disnard, Dist. 8

*Conferees on the Part
of the House*

Rep. LaMott, Graf. 5
Rep. Greene, Rock. 18
Rep. Popov, Rock. 12
Rep. Matson, Ches. 7

AMENDED ANALYSIS

This bill establishes a nonlapsing revolving fund in the department of environmental services. The fund is to fund the printing of materials for distribution, provide education and training assistance to municipalities and regional agencies, and to implement a training course for and administer a test for certification of solid waste operators. The nonlapsing revolving fund shall not exceed \$20,000 on June 30 of each year. Any amounts in excess of \$20,000 are deposited in the general fund as unrestricted revenue.

The department of environmental services is required to request the following bodies in the following order of descending priority to print the materials required for distribution:

- (1) The department of corrections.
- (2) Other state-owned printing facilities.
- (3) Privately owned printing facilities.

Senator Freese moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1289-FN

The committee of conference to which was referred House Bill 1289-FN, An Act relative to DWI offenses having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend section 10 of the bill by inserting after paragraph VII the following new paragraph and by renumbering the original paragraph VIII to read as IX:

VIII. Two members of the New Hampshire Association of Chiefs of Police, experienced in the prosecution of cases in a district or municipal court, appointed by the New Hampshire Association of Chiefs of Police.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Preston, Dist. 23
Sen. Bass, Dist. 11

*Conferees on the Part
of the House*

Rep. Gage, Rock. 13
Rep. Jasper, Hills. 19
Rep. Dwyer, Hills. 41
Rep. Hultgren, Hills. 1

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1332-FN

The committee of conference to which was referred House Bill 1332-FN, An Act establishing a committee to study the personnel problem in long-term health care facilities having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Krasker, Dist. 24
Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. Chase, Rock. 28
Rep. Simon, Rock. 9
Rep. Foster, Ches. 17
Rep. Parks, Straf. 6

Senator McLane moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1347-FN-A

The committee of conference to which was referred House Bill 1347-FN-A, An Act relative to quality assurance records of community mental health programs having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Krasker, Dist. 24
Sen. McLane, Dist. 15
Sen. Charbonneau, Dist. 4

*Conferees on the Part
of the House*

Rep. Sochalski, Rock. 23
Rep. Pappas, Hills. 37
Rep. Senter, Rock. 9
Rep. Copenhagen, Graf. 12

Senator Krasker moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1367-FN-A

The committee of conference to which was referred House Bill 1367-FN-A, An Act establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing sections 1 and 2 with the following:

1 Appropriation; Department of Administrative Services. The following is appropriated to the department of administrative services for the biennium ending June 30, 1991, for a new courthouse in Rockingham county on county-owned land at the Rockingham county complex in Brentwood:

I. Rockingham county courthouse-preliminary design, final design and construction documents	\$ 475,000
II. Rockingham county courthouse-road and site improvements	1,000,000
Total	\$ 1,475,000

Of the \$475,000 appropriated in paragraph I, \$200,000 shall be a charge against the escrow fund for court facility improvements and \$275,000 shall be bonded pursuant to section 2 of this act. The funds appropriated in this section shall not be spent, obligated, or encum-

bered until such time as the department of administrative services has developed an action plan and received the approval of such plan from the capital budget overview committee. After the action plan is approved, the department may spend funds for preparation of design documents but no other funds shall be spent, obligated or encumbered until the design documents receive the approval of the capital budget overview committee.

2 Bonding Authorization. To provide funds for the project in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$1,275,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided that such bonds shall be 5-year bonds.

Amend the bill by replacing section 6 with the following:

6 Bonding Authorization. To provide funds for the project in section 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$925,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided that such bonds shall be 5-year bonds.

Amend the bill by replacing section 8 with the following:

8 Appropriation. The sum of \$9,400,000 for the biennium ending June 30, 1991, is appropriated to the department of administrative services for the purpose of designing and constructing a new general office building on Hazen Drive in Concord, New Hampshire. This design shall incorporate a design document already prepared for the department of education building. The new design shall meet current applicable building codes and include expansion capabilities. The funds appropriated in this section shall not be spent, obligated, or encumbered until such time as the department of administrative services has developed an action plan and received the approval of such plan from the capital budget overview committee. After the action plan is approved, the department may spend funds for preparation of design documents but no other funds shall be spent, obligated or encumbered until the design documents receive the approval of the capital budget overview committee.

Amend the bill by replacing section 11 with the following:

11 Appropriation; Liquor Commission. The sum of \$3,750,000 is hereby appropriated to the liquor commission for the biennium ending June 30, 1991, for land acquisition, design fees and construction of a liquor store on the northbound side of I-95. The funds appropriated in this section shall not be spent, obligated or encumbered until such time as the department of administrative services has developed an action plan and received the approval of such plan from the capital budget overview committee.

Amend the bill by replacing section 13 with the following:

13 Payments. The payment of principal and interest on bonds and notes issued for the project in section 11 shall be made when due from the general fund.

*Conferees on the Part
of the Senate*

Sen. Torr, Dist. 21
Sen. Nelson, Dist. 13
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Phelps, Merr. 1
Rep. Marsh, Coos 1
Rep. Gross, Merr. 16
Rep. Matson, Ches. 7

AMENDED ANALYSIS

This bill appropriates funds for design and construction documents and site improvements for a new Rockingham county courthouse on county-owned land in Brentwood.

The bill also makes an appropriation for the purchase and installation of furnishings, equipment, and a security system for the Hillsborough county superior court.

The bill appropriates funds to the department of administrative services for the design and construction of a new general office building in Concord.

The bill appropriates funds to the liquor commission for land acquisition, design fees and construction of a liquor store on the north-bound side of I-95.

Senator Torr moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1371-FN-A

The committee of conference to which was referred House Bill 1371-FN-A, An Act relative to the state's purchase of the Coos county courthouse and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Appropriation; Department of Administrative Services. The sum of \$1 is hereby appropriated for the fiscal year ending June 30, 1991, to the department of administrative services for the purchase of the

Coos county courthouse on July 1, 1990. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. The state shall maintain the facility and shall lease space in the building to all county offices presently in the building, with the exception of the county extension service. The state shall provide adequate vault and storage space within the courthouse. In order to offset the capital loss to the county of selling the courthouse, which has a book value of \$935,000, the state shall lease to the county adequate office and vault space in the courthouse for the Coos county register of deeds at the rate of \$100 per year in perpetuity. If at any time after the purchase takes effect, the state constructs a new Coos county courthouse facility, ownership of the current Coos county courthouse building shall revert to the county.

*Conferees on the Part
of the Senate*

Sen. Torr, Dist. 21
Sen. Roberge, Dist. 9
Sen. Preston, Dist. 23

*Conferees on the Part
of the House*

Rep. Marsh, Coos 1
Rep. Kilbride, Coos 8
Rep. Stio, Merr. 5
Rep. Oleson, Coos 7

Senator Torr moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1385-FN-A

The committee of conference to which was referred House Bill 1385-FN-A, An Act to make technical corrections in the retirement system laws and making an appropriation for the director of finance having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 100-A:3, I(b) as inserted by section 7 of the bill by replacing it with the following:

(b) Any employee who is currently an employee of the general court who works on a full-time basis and who is eligible for other state benefits, but whose salary was or is calculated on a per diem basis shall be eligible to exercise those buy-back provisions set forth in RSA 100-A:3, VI(a), (b), and (c) for such previous service, only if the employee is currently a member in the retirement system.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10

Sen. Dupont, Dist. 6

Sen. Bartlett, Dist. 19

*Conferees on the Part
of the House*

Rep. Ward, Graf. 1

Rep. Pelley, Straff. 10

Rep. MacDonald, Carr. 6

Rep. Campbell, Belk. 5

AMENDED ANALYSIS

This bill amends the retirement system laws by:

I. Changing the buy-in provision for credit for prior service under RSA 100-A:3, VI and the application of that law as amended in 1989.

II. Making an appropriation from the New Hampshire retirement system administrative account for the salary, benefits, and office equipment for the retirement system director of finance.

III. Clarifying that teachers retired prior to July 1, 1957 were only to receive one 20 percent supplemental allowance as of July 1, 1989, by repealing a duplicative provision.

IV. Insuring that accidental disability retirees and accidental death beneficiaries are to receive state-paid medical benefits during the biennium ending June 30, 1991.

V. Requiring non-retirement system members to pay a fee of \$25 when they petition the retirement system board of trustees for prior service credit.

VI. Permitting employees of the general court who work on a full-time basis and, who are eligible for benefits but whose salary is calculated on a per diem basis, to be eligible for membership in the New Hampshire retirement system, and to exercise buy-back provisions only if they are members of the retirement system.

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1410-FN

The committee of conference to which was referred House Bill 1410-FN, An Act relative to recodifying the liquor laws and standardizing licensing and fee requirements having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 176 as inserted by section 1 of the bill by inserting after section 16 the following new section:

176:17 Purchases by the Liquor Commission. The liquor commission shall purchase all liquor, wine, and beverages from primary sources. For the purposes of this title, primary source means the manufacturer or producer, whether or not it is within the state. If a primary source is not available, the commission shall vote at its regular meeting to allow an exemption and shall explain why such exemption has been allowed.

Amend RSA 178:4 as inserted by section 1 of the bill by replacing it with the following:

178:4 Liquor Vendor License. Except as provided in RSA 178:6, II any person desiring to sell liquor other than table wine shall register to do business with the commission, designate a licensed liquor representative, and obtain a liquor vendor license. A liquor company shall be defined for the purpose of this section as a firm, partnership, or corporation. The vendor's license shall expire annually on the last day of the month of the incorporation or other organization of the liquor company and shall be renewed annually by the commission, upon application, unless the commission finds, after notice and hearing, that the renewal of such license would be against the public interest.

Amend RSA 178:7 as inserted by section 1 of the bill by replacing it with the following:

178:7 Table Wine Vendor License. Except as provided in RSA 178:6, II no table wine shall be sold in this state except to the state liquor commission unless the manufacturer thereof holds a valid wine vendor license pursuant to the provisions of this chapter. Such wine vendor license shall be issued by the commission upon application for such license and payment of the required fee unless the commission finds the issuance of such a license is not consistent with the purposes of this title; provided, that the license shall not be granted unless and until such manufacturer shall have made a written agreement with the commission to comply with the rules adopted by the commission. If a manufacturer fails to comply with said agreement or fails to comply with any law or rule, the commission may, in its discretion suspend or revoke such license.

Amend RSA 178:8 as inserted by section 1 of the bill by replacing it with the following:

178:8 Liquor and Wine Representative License. A liquor and wine representative license shall authorize its holder to offer for sale or solicit orders for the sale of any liquor or wine, if the vendor of such liquor or wine is the holder of a liquor and vendor license. A licensed liquor and wine representative may also employ registered sales persons in accordance with RSA 178:9. A liquor or wine representa-

tive may not hold any other license except a liquor and wine importer's license, a liquor vendor's license, a wine vendor's license, and a liquor manufacturer's license. The annual fee shall be due on the last day of the month of the licensee's birthday or, when the licensee is not a natural person, on the last day of the month of the licensee's incorporation or other organization. The commission shall approve all applications for licenses authorized under this section unless it shall have good cause not to approve one.

Amend RSA 178:10, I as inserted by section 1 of the bill by replacing it with the following:

I. Beverage manufacturer licenses shall authorize the licensee to manufacture beverages within the state.

Amend RSA 178:13, II as inserted by section 1 of the bill by replacing it with the following:

II. No person shall have through stock ownership, interlocking directors, or otherwise, an interest or control, either direct or indirect, in the business of the holder of a wholesale distributors license, unless he has been a resident of the state for at least 3 consecutive years immediately prior thereto. The provisions of this section shall not apply to the renewal of wholesale permits which were in existence on March 15, 1957, nor shall it be deemed to refer to persons who acquired their interest as heirs-at-law or spouse of the deceased, by the law of intestate succession or, in the case of a will, those who acquired their interest under will, provided that such legatees are also heirs-at-law or spouse of the deceased.

Amend RSA 178:1 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraphs:

III. Any person applying for a liquor and wine representative license shall have been a New Hampshire resident, or shall have at least one director, officer, partner or licensed sales person who has been a New Hampshire resident for at least 3 years immediately preceding the date of application.

IV. Any person applying for the license specified in paragraph III shall not have a record of any felony conviction.

V. All contracts and agreements entered into by liquor and wine representatives shall be enforceable under New Hampshire laws.

Amend the section heading of RSA 178:1 as inserted by section 1 of the bill by replacing it with the following:

178:1 Licenses Required; Enforceability of Contracts and Agreements.

Amend the bill by replacing all after section 19 with the following:
20 Study Committee.

I. There is established a committee to review the entire licensing process for liquor, wine, and beverages. The committee shall consist of 6 members appointed as follows:

(a) Two shall be appointed by the governor.

(b) Two shall be appointed by the senate president.

(c) Two shall be appointed by the speaker of the house of representatives.

II. The chairman shall be appointed by the governor.

III. The committee shall submit a report to the governor, speaker of the house, and senate president on or before June 1, 1991.

21 Effective Date. This act shall take effect July 1, 1990.

*Conferees on the Part
of the Senate*

Sen. Roberge, Dist. 9
Sen. Blaisdell, Dist. 10
Sen. Bartlett, Dist. 19

*Conferees on the Part
of the House*

Rep. Gross, Merr. 16
Rep. Simon, Rock. 9
Rep. Kelley, Hills. 13
Rep. Lemire, Coos 8

Senator Roberge moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1431-FN

The committee of conference to which was referred House Bill 1431-FN, An Act relative to the board of registration in medicine and the pharmacy board having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Freese, Dist. 4
Sen. Stephen, Dist. 18
Sen. Currier, Dist. 7

*Conferees on the Part
of the House*

Rep. Mace, Rock. 21
Rep. Goulet, Hills. 11
Rep. Kane, Rock. 28
Rep. Gage, Rock. 20

Senator Freese moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1441-FN

The committee of conference to which was referred House Bill 1441-FN, An Act relative to medicaid fraud having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 167:61-a, I(a)-(f) as inserted by section 1 of the bill by replacing them with the following:

(a) Knowingly make, present or cause to be made or presented, with intent to defraud, any false or fraudulent claim for payment for any good, service, or accommodation for which payment may be made in whole or in part under RSA 161 or RSA 167;

(b) Knowingly make, present, or cause to be made or presented, with intent to defraud, any false or fraudulent statement or representation for use in determining rights to benefits or payments which may be made in whole or in part under RSA 161 or RSA 167;

(c) Knowingly make, present, or cause to be made or presented, with intent to defraud, any false or fraudulent report or filing which is or may be used in computing or determining a rate of payment for goods, services, or accommodations for which payment may be made in whole or in part under RSA 161 or RSA 167; or make, present, or cause to be made or presented any false or fraudulent statement or representation in connection with any such report or filing;

(d) Knowingly make, present, or cause to be made or presented, with intent to defraud, any claim for payment, for any good, service, or accommodation for which payment may be made in whole or in part under RSA 161 or RSA 167, which is not medically necessary in accordance with professionally recognized standards;

(e) Knowingly make or cause to be made, with intent to defraud, any wholly or partially false or fraudulent book, record, document, data, or instrument, which is required to be kept or which is kept as documentation:

(1) For any good, service, or accommodation for which payment is or has been sought in whole or in part under RSA 161 or RSA 167; or

(2) Of any cost or expense claimed for reimbursement for any good, service, or accommodation for which payment is or has been sought in whole or in part under RSA 161 or RSA 167;

(f) Knowingly:

(1) Make or cause to be made, with intent to defraud, any false or fraudulent statement to; or

(2) Offer or present or cause to be offered or presented, with intent to defraud, any wholly or partially false or fraudulent record, document, data, or instrument to; any law enforcement officer, including any employee or agent of the attorney general, or to any

employee or agent of the department of health and human services, in connection with any audit or investigation involving any claim for payment or rate of payment for any good, service, or accommodation payable in whole or in part under RSA 161 or RSA 167;

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
Sen. Preston, Dist. 23
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Gage, Rock. 13
Rep. Burling, Sull. 1
Rep. Torr, Straf. 6
Rep. Ford, Hills. 24

Senator Podles moved to adopt the Committee of Conference report.
Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1503-FN

The committee of conference to which was referred House Bill 1503-FN, An Act relative to certain general fund fees and revenues and certification of wastewater treatment plant operators having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. McLane, Dist. 15
Sen. Torr, Dist. 21
Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. Torr, Straf. 6
Rep. Kelley, Hills. 13
Rep. Densmore, Graf. 3
Rep. Phelps, Merr. 1

Senator McLane moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 731

The committee of conference to which was referred House Bill 731, An Act dedicating the state police barracks in Milford having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; State Police Honor Roll; Committee Established. Amend RSA 106 by inserting after section 18 the following new section:

106:18-a State Police Barracks Honor Roll; Committee.

I. The department of safety shall establish an ongoing honor roll for all state police with exemplary service to the state of New Hampshire and its communities. The department shall place, in public view, and maintain for each troop a suitable plaque at each respective troop's state police barracks. Nominations for the honor roll may be made by an individual, organization, a group of individuals to the committee established in paragraph II.

II. An honor roll committee is established to make decisions on nominations received under paragraph I. The committee shall consist of the commissioner of safety, the speaker of the house, and the president of the senate. The committee shall meet at least once annually to consider nominations.

2 Effective Date. This act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Torr, Dist. 21
Sen. Preston, Dist. 23
Sen. Roberge, Dist. 9

*Conferees on the Part
of the House*

Rep. Chandler, Carr. 1
Rep. Peyron, Sull. 2
Rep. Frechette, Straf. 8
Rep. Wheeler, Hills. 10

AMENDED ANALYSIS

The bill also requires the department of safety to establish an ongoing honor roll for state police troopers with exemplary service. The department is to maintain a suitable plaque for each troop in each troop's barracks. A committee is established to consider nominations to the honor roll. The committee consists of the commissioner of safety, the speaker of the house and the president of the senate.

Senator Torr moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1344

The committee of conference to which was referred House Bill 1344, An Act relative to least cost planning by electric utilities having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and

That the Senate recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 378:37 as inserted by section 1 of the bill by replacing it with the following:

378:37 New Hampshire Energy Policy. The general court declares that it shall be the energy policy of this state to meet the energy needs of the citizens and businesses of the state at the lowest reasonable cost while providing for the reliability and diversity of energy sources; the protection of the safety and health of the citizens, the physical environment of the state, and the future supplies of nonrenewable resources; and consideration of the financial stability of the state's utilities.

*Conferees on the Part
of the Senate*

Sen. St. Jean, Dist. 20

Sen. Dupont, Dist. 6

Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. Rodeschin, Sull. 2

Rep. Vogler, Belk. 4

Rep. Weyler, Rock. 10

Rep. Merrill, Straf. 4

Senator St. Jean moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1353-FN

The committee of conference to which was referred House Bill 1353-FN, An Act relative to the oversight committee on health and human services having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend RSA 143-A:5-a as inserted by section 5 of the bill by replacing it with the following:

143-A:5-a Soup Kitchens. The director may exempt from licensure under this chapter soup kitchens operated for the poor.

*Conferees on the Part
of the Senate*

Sen. Preston, Dist. 23
 Sen. Bond, Dist. 1
 Sen. Podles, Dist. 16

*Conferees on the Part
of the House*

Rep. Sochalski, Rock. 23
 Rep. Pappas, Hills. 37
 Rep. Frank, Hills. 13
 Rep. Micklon, Rock. 20

Senator Preston moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HCR 13

The committee of conference to which was referred House Concurrent Resolution 13, A Resolution to protect and preserve the tenth amendment to the United States constitution having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

*Conferees on the Part
of the Senate*

Sen. Podles, Dist. 16
 Sen. Heath, Dist. 3
 Sen. Nelson, Dist. 13

*Conferees on the Part
of the House*

Rep. White, Graf. 6
 Rep. Holden, Hills. 9
 Rep. McCarthy, Rock. 18
 Rep. Dube, Hills. 14

Senator Podles moved to adopt the Committee of Conference report.

Adopted.

REMOVED FROM THE TABLE

Senator Bond moved to remove **SR 3**, relative to Lithuania from the table.

Adopted.

SENATOR BOND: On March 29, Senator Charbonneau introduced Senate Resolution 3 relative to Lithuania. After a discussion, I made the motion that it be placed upon the table. In light of the actions that have been taking place in the Baltic states in the last few days, I think it's time that I supported this Resolution and would ask you to join me. Too often we have taken the politically expedient way in our foreign policy and not stood up for what brought us all here to begin with, which is democracy. And I would say that today we should make a statement to the President of the United States that we believe that we should recognize the people of Lithuania, despite

any other or not withstanding any other working relationships we may have with the Soviet Union. I would suggest that you support the motion of Ought To Pass.

SR 3

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and ninety

A RESOLUTION
relative to Lithuania.

Whereas, the Senate of the state of New Hampshire finds that:

(1) Throughout a 50-year history, the United States has never recognized the forcible incorporation of Lithuania on August 3, 1940, into the Soviet Union; and

(2) In the multiparty elections held this past February 24, 1990, the people of Lithuania gave a clear mandate for the restoration of independence to their newly elected legislators; and

(3) The new Parliament of Lithuania has demonstrated great courage in exercising the mandate for democracy and self-determination given them in those elections by declaring the restoration of an independent Republic of Lithuania on March 11, 1990; and

(4) Mr. Vytautas Landsbergis, the newly elected President of the Parliament of Lithuania has asked for American support in his negotiations with the government of the Soviet Union; and

(5) Thousands of New Hampshire's citizens and millions more throughout the United States are emigres of Lithuania or are descendants of Lithuanian heritage; now, therefore, be it

Resolved by the Senate:

That the Senate hereby respectfully requests that the President of the United States and Congress formally recognize the Republic of Lithuania as an independent and sovereign nation; and

That the United States establish full diplomatic relations with the Republic of Lithuania; and

That copies of this resolution be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

Adopted.

HOUSE MESSAGE

The House of Representative has refused to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill, **HB 1248**, relative to monitoring the reassessment of taxable property by the department of revenue administration, and the Committee of Conference has been discharged.

The Speaker, on the part of the House, has appointed a new Committee of Conference, naming: Representatives Grodin, Roger King, Wadsworth, Daneault.

Senator Dupont moved to nonconcur with the request for a new Committee of Conference.

Adopted.

RULE 44

SENATOR BARTLETT: At this time, I would like to introduce the staff that we have, because after five we lose them quite quickly, and thank them for all their hard work. I would like to recognize the secretaries from the LOB; the secretaries from the State House; Senator Preston's staff; Senator Dupont's staff. I would also like to recognize those people who work on the Senate floor; Dick Wiggin, Sergeant-At-Arms; Emile Martineau, Door Keeper, Reverend Fischer and El Glaser. When we started this session, we started on a very different type note. And I would like to give a very special thanks to Gloria and how well she has filled in as the Clerk of this body. She is almost as bad as Bill White in telling me what to do. Gloria, thank you very much. I would like to recognize the staff of the President's office. I would like to recognize the interns, although they are not here. I would like to thank June and her research staff and I would like to thank all the joint staff; Legislative Service and Legislative Budget. They have certainly done a good job for us.

There are some Senators who are not seeking re-election and I think if you read the newspaper, you know who they are. They have not objected to me announcing them. Senator Bond, from District 1. We are very pleased that New Hampshire is going to have four Congressmen. I recognize Senator Johnson, we are all familiar with what his aspirations are. The guy that kept me awake for five years, Bobby Stephen. The Senator who has been here the longest of those leaving, took all the headlines this morning, Bob Preston. The next person I would like to thank is not an oversight. We left her to last because she wouldn't let us put her on the list, but the one who has helped me the most and helped most of the people in the great political understanding, Arlene Burns, the Chief of Staff.

SENATOR JOHNSON: The day of reality has arrived for me. The day that I have to realize that this is the last session day, after eight years in the Senate, the last day that I will be sitting in this seat. Of course, I have mixed emotions. It has been an honor and a privilege for me to have served the people of District 17 for the past eight years. It has been an honor and a privilege for me to serve with my

current colleagues plus some of your predecessors. My life has been enriched as a result of these eight years. There is a wide variety of experience and ability in this New Hampshire Senate, among our Senators, and that is the strength of this Senate. I leave with the feeling of respect and admiration for each of you. Our political relationship may change, but I hope our personal relationships remain the same. I wish you all well in what future endeavor you are involved in. Thank you.

SENATOR STEPHEN: Thank you, Mr. President. Just briefly, I think this is an end of an era and the beginning of a new chapter. I have had the privilege of serving in this Senate and representing the State in my district from Manchester and it has been an honor in doing that. I leave, being sad that I am going to miss all the fine people that I have met in the last ten years. It has been a privilege, really, to work with you. You have been really kind and nice to me. I wish you all good success and happiness in your future. I will always remember this body. Thank you.

SENATOR PRESTON: Few citizens have had the privilege that I have had to serve in this Body amongst so many. Even though you have asked me embarrassing questions, Susan, and I have teased you a little too much, Senator Podles, and you have beat me a little too much, Senator Dupont, I have enjoyed and respect each and every one of you. I think we have done the most for those we will never meet and that means that we have done a good job. Many of the things we have done will be etched in history, long after we are gone. I have been really privileged to serve with you and play this role, and to you, Mr. President, your efforts to move this process along, to make this system work and to serve as a catalyst, particularly in these trying years, and to the Speaker, also, I thank you. Your opposing views were worked out in a manner that we all respected. But, really Sir, you, your efforts, yourself and the Speaker, deserve accolades and not criticism and I commend both of you here today. I am going to miss all of you, but I am going to be working in a different capacity next year. Then we will have lunch in a bigger chamber, together. Thank you.

SENATOR BOND: Thank you. Mr. President. Fellow members of the Senate, it is a privilege to serve in an elected office. I don't think anybody, in any elective office, could have a greater privilege than serving with this group. We have had all kinds of people that I have known in the last six years, and I have never known anybody in this chamber that I didn't like. We have ended up fighting over issues, but we have always ended up friends on the bottom line. And that is what counts. I will sorely miss you all. I wish you all the best of luck.

SENATOR BARTLETT: As we near the completion of our legislative session, I would like to thank you all for the support that you have given me on behalf of our State. It has been a difficult session. I have just been over at the BIA, telling them what we have done. Basically, it has been damage control, if you stop and look at it. We have been trying to make things not get any worse. I think that we have done that, but I can't guarantee you that we are at the bottom and there are some more drops coming. I would hope that when you return that the State will be back in the state of normalcy, whatever that is. Almost two years ago, Bill White and I stood here and sometimes it gets a little slow and quiet out there and one day Bill looked at me and said, "How long are you going to stay around?" I said, "Bill, I am going to stay around for two years." He said, "Well, I wasn't going to stay around but I will stay around for two years with you. And then at that time we can enjoy our lives and go together and play some golf." I am sorry that Bill and I can't do that. But I do hold up my end today. Therefore, I will not seek re-election to the Senate in 1990. It has been a privilege and an honor to serve both in the Senate and as Senate President. I have enjoyed this work. I have loved it. And I have enjoyed you as friends. It has been recent tradition, we will be meeting with the House shortly, and the Speaker has said he will come over and see us after all the good things he has done to us today, but my message here says that I am not going to seek re-election. The rest of my conversation will be over in the House, where I will thank them and you again over there. I appreciate all that you have done for me.

The Speaker did sneak in, he has been so good to keep us here all day. I would like to introduce you to my good friend, and we are going out together, Doug Scamman.

SPEAKER OF THE HOUSE SCAMMAN: Thank you. I appreciate the opportunity to come over and address the Senate. It is an opportunity I have never really had before. I have been over here and talked to Bill a few times while we were in session, but it certainly is an honor. It has been a great honor for me to deal with all the Senators that I have dealt with in the last twenty-two years. I love the system we have. The Senate plays a very important part in our system here in New Hampshire. I must say that the last four years, serving as Speaker of the House, have been the highlight of my political career; and I must say that serving with Bill Bartlett has been the main reason that that has been so successful and so enjoyable to me. It is nice to work with someone who always puts the State of New Hampshire above all other decisions that he makes. No matter what they say about Bill Bartlett, he has always done what he felt was right for the State of New Hampshire. I don't think I will say

any more, because I might get in trouble also. Thank you all. It has been a pleasure and I wish you luck in all that you do.

HOUSE MESSAGE

The House of Representatives has voted to discharge the Committee of Conference on **SB 343**, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system and appointed a new Committee of Conference.

The Speaker, on the part of the House, has appointed a new Committee of Conference, naming: MacDonald, Gage, Dunn, Brown.

Senator Dupont moved to discharge the Senate members and appoint a new Committee of Conference.

Adopted.

The conferees on the part of the Senate are: Senators Dupont, Blaisdell, and Delahunty.

HOUSE MESSAGE

The House of Representatives has refused to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill **HB 1182**, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations and the Committee of Conference has been discharged.

The Speaker, on the part of the House, has appointed a new Committee of Conference: Representatives Shaw, Salatiello, Guay, and Chase.

Senator Dupont moved to accede to the request of the House and appoint a new Committee of Conference.

Adopted.

Conferees on the part of the Senate are: Senators Dupont, Torr, and Blaisdell.

HOUSE MESSAGE

The House of Representative has refused to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill, **HB 1367-A**, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building and the Committee of Conference has been discharged.

The Speaker, on the part of the House, has appointed a new Committee of Conference, naming Representatives: West, Hayes, Hager, Matson.

Senator Dupont moved to nonconcur to the request for a new Committee of Conference.

Adopted.

Recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 343-FN providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

COMMITTEE OF CONFERENCE REPORTS

COMMITTEE OF CONFERENCE REPORT ON HB 1304-FN

The committee of conference to which was referred House Bill 1304-FN, An Act establishing a committee to study mobile health care units having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate

Sen. Krasker, Dist. 24
Sen. McLane, Dist. 15
Sen. Hough, Dist. 5

Conferees on the Part of the House

Rep. Sochalski, Rock. 23
Rep. Copenhaver, Graf. 12
Rep. Jasper, Hills. 19
Rep. Hager, Merr. 21

Senator Krasker moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 343-FN

The committee of conference to which was referred Senate Bill 343-FN, An Act providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing section 1 with the following:

1 Supplemental Allowance; Group II. As of January 1, 1991, all group II beneficiaries of the New Hampshire retirement system or of its predecessor systems who retired on or before January 1, 1991, and who are receiving retirement allowances according to RSA 100-A, or RSA 102, or RSA 103, shall receive an additional allowance of up to 5 percent as provided in section 3 of this act. The additional allowance shall become a permanent addition to each beneficiary's base retirement allowance, as provided in RSA 100-A:41-a.

Amend the bill by replacing section 4 with the following:

4 Funding of Special Account for Additional Benefits. RSA 100-A:16, II(h) is repealed and reenacted to read as follows:

(h) There shall be a special account for additional benefits held by the board of trustees. The special account shall be subdivided into 4 components representing the 4 retirement system member classifications. Beginning with the fiscal year ending June 30, 1990, the amount credited annually to the special account shall be determined as follows:

(1) Each component of the special account shall first be credited with all the earnings of that component for the fiscal year.

(2) All of the earnings of the remaining assets of the retirement system in excess of the assumed rate of return as determined by the trustees shall be allocated to the 4 member classifications.

(3) For each member classification for which the funded ratio equals or exceeds 125 percent, the entire amount allocated in subparagraph (2) shall be credited to that component of the special account.

(4) For each member classification for which the funded ratio is less than 125 percent, 1/2 of the amount allocated in subparagraph (h)(2) shall be credited to that component of the special account and the other half shall be held in a special reserve, which shall be recognized in the determination of the funded ratio, until the funded ratio for that member classification reaches 125 percent. Any excess of the amount allocated over the amount needed to bring the funded ratio to 125 percent shall be credited to that component of the special account and not to the special reserve.

(5) None of the assets held in the special account or in the special reserve shall be used in the actuarial determination of the rate percent of normal contribution as set forth in subparagraphs (b), (c) and (d).

(6) When the funded ratio for any member classification reaches 140 percent, any part of that component of the special reserve, with accumulated earnings thereon at the actuarially-assumed rate, which is in excess of the amount needed to achieve a 140 percent funded ratio, shall be transferred to that component of the special account.

(7) The actuarial cost of all legislation enacted during each fiscal year and calling for funding from the special account shall be withdrawn from the respective components of the special account, as of June 30 of each year, after funds are credited to the special account as provided in this subparagraph.

The special account shall be used only to fund or partially fund additional benefits as follows: first, to provide supplemental allowances, or COLAs, pursuant to RSA 100-A:41-a, and, second, to the extent that funds may be available in the special account, to provide additional benefits to retired members and beneficiaries of the retirement system.

Amend the bill by replacing all after section 5 with the following:

6 Effective Date.

I. Section 5 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect June 30, 1990.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6

Sen. Blaisdell, Dist. 10

Sen. Delahunty, Dist. 22

*Conferees on the Part
of the House*

Rep. MacDonald, Carr. 6

Rep. Gage, Rock. 20

Rep. Dunn, Merr. 21

Rep. Brown, Graf. 13

AMENDED ANALYSIS

This bill provides a cost of living adjustment for group II New Hampshire retirement system beneficiaries who retired on or before January 1, 1991, effective January 1, 1991, of up to 5 percent. The additional allowance becomes a permanent addition to the beneficiary's base retirement allowance.

Funding for the additional allowance comes from the police and fire components of the retirement system special account, RSA 100-A:16, II(h), on a terminal basis.

The amount of the additional allowance is a multiple of 1/4 percent, not to exceed 5 percent, and depends on the amount available in each component of the special account.

The bill amends the retirement system special account for funding purposes and for the purpose of dividing the account into 4 components based upon the 4 retirement system member classifications.

Senator Dupont moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1229-FN

The committee of conference to which was referred House Bill 1229-FN, An Act relative to organizational and personnel changes within the department of corrections having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 1-3 with the following:

1 New Section; Care and Custody of Female Prisoners. Amend RSA 622 by inserting after section 33 the following new section:

622:33-a Care and Custody of Female Prisoners.

I. There is established a state confinement facility for female prisoners which shall be called the New Hampshire State Prison for Women.

II. The New Hampshire state prison for women shall be under the superintendence of a superintendent. The superintendent shall serve for a term of 4 years and shall be an unclassified employee qualified by education and experience.

III. The operation of the New Hampshire state prison for women and the inmates confined to the New Hampshire state prison for women shall be governed by the same laws, rules and regulations which govern the state prison and inmates of the state prison, except as otherwise specified by law.

2 New Unclassified Position. Amend RSA 94:1-a, I by inserting in group M the following: superintendent, New Hampshire state prison for women.

3 Transfer. The person in classified position #18783 within the department of corrections on the effective date of this act shall become the unclassified superintendent of the state prison for women. Position #18783 in the department of corrections is abolished. Notwithstanding any other provision of law the unclassified position of superintendent of the state prison for women shall be funded within appropriations made to the department of corrections for the biennium and through the salary adjustment fund as needed.

Amend the bill by replacing section 5 with the following:

5 Repeal. 1990, 3:103, relative to repeal of an appropriation to the pari-mutuel commission, is repealed.

Amend the bill by deleting sections 6, 7 and 8 and renumbering sections 9-11 to read as 6-8.

Amend the bill by replacing section 8 with the following:

8 Effective Date.

I. Sections 5-7 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 60 days after its passage.

*Conferees on the Part
of the Senate*

Sen. Blaisdell, Dist. 10

Sen. Dupont, Dist. 6

Sen. Torr, Dist. 21

*Conferees on the Part
of the House*

Rep. Gage, Rock. 20

Rep. Sytek, Rock. 20

Rep. Burton, Straf. 4

Rep. Ward, Graf. 1

AMENDED ANALYSIS

The bill names the prison for women at Grasmere the New Hampshire state prison for women. It establishes the unclassified position of superintendent of the state prison for women.

The bill repeals 2 RSA sections regarding female prisoners which are duplicated in other laws.

The bill reinstates 2 positions within the liquor commission which were abolished by 1990, 1:2, I.

The bill makes an appropriation to the department of labor.

The bill repeals a repeal of an appropriation to the pari-mutuel commission.

Senator Blaisdell moved to adopt the Committee of Conference report.

SENATOR JOHNSON: Senator Blaisdell, what has been added to that subsequent to the passage in the Senate, if anything?

SENATOR BLAISDELL: I defer to Senator Dupont.

SENATOR DUPONT: There have been some changes made to it that involve name changes on the superintendent. Instead of Warden at the state prison, she is now going to be superintendent. She is an unclassified employee, as the Senate indicated. There is a section that has been taken out that dealt with competency to stand trial, which was originally on SB 320.

SENATOR JOHNSON: The thrust then, is the change in the name from warden as recommended by the Executive Departments Committee, now to superintendent?

SENATOR DUPONT: The House did not want her called warden. She is now going to be a superintendent.

Adopted.

Recess.

Out of Recess.

SENATOR BARTLETT: Senator Dupont will explain what we have done with 1182, and if anyone has any questions then we will deal with that and when it comes up we will just send it over to the House.

SENATOR DUPONT: Thank you Mr. President. In essence, HB 1182 was a bill that we acted on that had a number of lapses that were extended. If you remember reading it, there were things in there that dealt with a number of airports around the State. There were other items in there that dealt with a library in Keene, some money that wasn't appropriated but needed to be transferred. There were a large number of housekeeping issues so that monies that hadn't been expended could be extended beyond the lapse date. On top of that there was a two-cent gasoline tax increase on 1182. The House defeated 1182 because of the gas tax. In the committee of conference, what we did after the House killed HB 1367 which was the liquor store, the office building, Hillsborough court house furnishings and Rockingham county planning, they have agreed to take 1367 and amendment it on to 1182 with the exception of the gas tax. So what we would have is two bills that we have passed in their entirety with the exception of the gas tax being out of it. So that is what the House and Senate will be acting on, or should be acting on if it had been properly drafted and brought forward while we were in the House listening to the Speaker and the Senate President. That is the document, that is the bill, that is the compromise that hopefully will wrap this up tonight and allow us all to go home and get some much needed sleep and beverage hopefully.

SENATOR MCLANE: Can I inquire about the Concord office building? Is it written in the bill that the building has to go on Hazen Drive?

SENATOR DUPONT: Senator, what we did on Hazen drive, as I understand it, there were a number of concerns about traffic at the end of Hazen Drive. The name of the street is Portsmouth Street. We have put another half-million dollars in there, which should allow the end of Hazen Drive to be aligned with the existing traffic light that would be a little bit to the left of the end of Hazen Drive, if you were heading away from the Department of Safety, and away from

the Heights. So that would allow that intersection to be. We didn't get that generous, I'm sorry. I misunderstood.

SENATOR TORR: We didn't do that, but there has been an agreement that we would take a look at and what they're looking for if your familiar with Hazen Drive ties in with Portsmouth street, it doesn't align to the entrance on to I-393. What we would propose is the fact that the Department of Transportation use their discretionary money to correct that. It certainly something that needs to be corrected and we all recognize that. We feel that it's ample time, the fact that this is passed not vetoed to correct that situation, through discretionary money which the Department of Transportation has.

SENATOR MCLANE: I guess my second question would be, is it written in cement that that building is going to go onto Hazen Drive and be the old education building?

SENATOR TORR: To my knowledge, I'm just going on my recollection of the bill, there is no specific location designated in the language of the legislation. There was the implied indication, by verbal commitment, that it would be located at a site on Hazen Drive, basically across where from the Fish & Game building is located. Its an eleven-acre parcel which would accommodate both the building site and ample parking to take care of persons working in that facility.

SENATOR MCLANE: The reason I'm asking this question, and it's an important question for Concord. You know we have struggled with this business of the office building and I agree with Senator Torr, that economically from the Senate's and State's point of view, it is the proper and correct thing to do. I agree that those DES divisions should be together, they should be coordinated and it would be better for them. I do think Concord faces a problem in having that much of the downtown rental leave and having those people out on the Heights rather than coming for lunch and doing their shopping in the downtown area. I would hope that there was some room for maneuver and discussion of possibilities that the city of Concord could present to the State instead of having the building absolutely sited on Hazen drive in this amendment.

SENATOR BARTLETT: I realize that this has not been the Concord's master plan, but we tried a couple years ago to work with the City of Concord to come up with a parking garage, very unsuccessful. We were talked into areas that we have tried to do. One of the bigger problems we're going to have with this building is to have adequate parking. I certainly don't intend to offend the City of Concord, I have done it once in my term in office. There had been a long

desire on the part of Concord to say that we would, too much of our buildings are down here, and they want us out there. But when you're out there, you've got all the State complexes out there, and you've got adequate parking, and that we can't find parking down here for the vehicles for the Senate and the Senate staff. This is an important project. And Frank has stated this for a long time. This one building if we look at the downtown area and we're talking about Beacon Street and a couple down here. I don't think its going to cripple downtown Concord and the area we talked about the other day there was some questions about whether we were going to be able to handle that with the environment thing that used to be a garage. It is a difficult thing. That's the best I can do.

SENATOR TORR: I guess I would add, basically some of the same fact that it really isn't all downtown. It's scattered somewhat downtown, but I think that some of the heavy concentration is Loudon Road and Manchester Street, really to be truthful. So, in effect, you are really not affecting the downtown area so much basically. I think that you have to look beyond that too, even the economic part. You're providing quality facilities for state employees, and your centralizing it, which is an important fact. I bet you I could name a site, some division within some part of Environmental Services, and you can't even find it. Maybe you, as a resident of Concord, can. But it's an important factor. But some other ramifications through this whole picture is that you're going to be putting people to work basically, in the construction industry. You will probably save about 20 percent on the construction of that building, if in fact it's done at this point in time. Those people are still going to be in the Concord area, they are going to need those services that they would still want provided to them, whether they are on Manchester Street or Loudon Road, Main Street or whatever street they should happen to be on in Concord. Concord is still going to reap the benefits, they are also going to have the negative impact, that this is the worst time it could happen. But I can guarantee you that if its defeated this day, two years from now or one year from now, five years from now, we are going to run into the same opposition. I've worked on several study committees, and we ran into the same road block. Concord doesn't feel this is the appropriate time to make this move. I think that we have to bite the bullet, I think it is a benefit for the State as a total. It may have a negative impact initially to Concord, but I think as a long run it will be beneficial.

SENATOR BARTLETT: One further thing. Let me talk about the Concord court house and there was a big uproar that the Senate was insisting that we build on state owned land and then we went forward and put a whole study committee together and it wound up,

not to say that we are always right, but, it wound up right where we said it should be on Clinton Street. So we went through this whole thing. I guess you made your point. Senator Dupont, there was something else in the bill that we needed to change.

SENATOR DUPONT: If you have been following in what has been going on in the House, there was a very controversial bill that had in it a provision that dealt with an agreement that dealt with Wheelabrator Technologies and the town of Epping, which went down to defeat in the House. One of the other things that the House insisted on is if we were going to have another Committee of Conference on that bill, that the Wheelabrator section not be allowed in the Committee of Conference. So as part of this agreement, HB 1248 which also had in it a provision that dealt with double A dams, and some other things that this body insisted be in there will be included in HB 1182. Basically, this bill will have 1182, 1367, and 1248, minus the sections that were offensive to the House. So it is packaged that they insisted 1248 be dealt with as part of this. So I believe that the document is on its way up, the Committee of Conference report, which will reflect all of this action.

SENATOR MAGEE: This has to do with HB 1248, which I was not a part of the committee or anything. It was Senator Bond's committee that heard that. Senator Bond and his committee deserve the credit for the attempted agreement and so forth that went on. But I just wanted to read something first of all, because I think my reputation could have been at stake today in the House. I had told the House and some people in the House and sent a letter over to Senator Bond's committee. What that letter said is that I have the intention of fully endorsing, myself, a nonbinding agreement between the city of Nashua with Wheelabrator Technologies. When I said nonbinding, that is exactly what I meant. We called the mayor today and the mayor said vote your conscience, do whatever. That message never got across to the other side of this wall. I had this faxed up here. It is a resolution that is being introduced in the city of Nashua Tuesday night at the Board of Aldermen meeting. And all that it says is that the mayor or those city officials that he may designate to be authorized to negotiate with Wheelabrator Technologies in order to determine the feasibility of contracting therewith in the future for the removal of solid waste from Nashua. A report of the negotiations shall be presented to the Board of Aldermen for evaluation by the Board. That is all that it said. Senators, Mr. President, I didn't lie. My reputation is the same as the city of Nashua. I am not a liar and if that was portrayed over in the House, I am sorry. The other thing I wanted to say, and it is only two paragraphs, deals with responsi-

bilities. It is from a trade journal that I was lucky enough to find on my desk one day. It says: The public, legislators and the media are increasingly concerned with environmental issues, which are expected to dominate the U.S. national agenda through the 1990's. Solid waste is one of the few of these issues in which individual consumers, processors, and designers can personally play a role by providing timely solution.

Surveys indicate that Americans are increasingly willing to collect and separate discarded packages, to forego a degree of convenience to make products more disposable, and even to pay a premium for recycled items. They reveal, too, the consumer's love-hate relationship with plastics; they like the material's light weight and low cost, they simultaneously see plastics as a threat to the environment - unable to be recycled or safely incinerated.

This explains why unfair restrictions or even bans on some plastics are being enacted. The trend is ominous - unless those affected can reverse these mistaken beliefs. Packaging producers and their suppliers can do much to reverse plastic packaging's ambivalent image; they must act quickly if the packaging industry is to continue to enjoy the broad material options range it is now accustomed to. In this campaign, prime strategies are source reductions and recycling - the first and second priorities in the EPA's hierarchy of solutions for managing solid waste - the other being incineration and landfill. (Extracted from "Modern Plastics" supplement to 4/90 issue). Mr. President, that is all I have to say. Thank you very much for your attention. I wish the House would have paid as much attention.

SENATOR MCLANE: I have a suggestion. Seeing that this body passed the smokeless tobacco tax by such a wide margin and seeing our audience here on our balcony today, I was wondered, if perhaps, we wanted to add that the 1192?

HOUSE MESSAGE

The House of Representatives has voted to discharge the Committee of Conference on **HB 1304**, establishing a committee to study mobile health care units and making certain appropriations and appoint a new Committee of Conference.

The Speaker, on the part of the House, has appointed a new Committee of Conference, naming Representatives: Sochalski, Copenhagen; Jasper, and Hager.

Senator McLane moved to accede to the request of the House and appoint a new Committee of Conference.

Adopted.

Conferees on the part of the Senate are: Senators Krasker, McLane, and Hough.

COMMITTEE OF CONFERENCE REPORTS

SECOND COMMITTEE OF CONFERENCE REPORT ON HB 1304-FN

The committee of conference to which was referred House Bill 1304-FN, An Act establishing a committee to study mobile health care units having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate

Sen. Krasker, Dist. 24
Sen. McLane, Dist. 15
Sen. Hough, Dist. 5

Conferees on the Part of the House

Rep. Sochalski, Rock. 23
Rep. Copenhaver, Graf. 12
Rep. Jasper, Hills. 19
Rep. Hager, Merr. 21

Senator McLane moved to adopt the Committee of Conference report.

Adopted.

SECOND COMMITTEE OF CONFERENCE REPORT ON HB 1182-FN

The committee of conference to which was referred House Bill 1182-FN, An Act relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrency with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing section 31 with the following:

31 Plymouth Liquor Store. Notwithstanding any other provision of law, the department of transportation shall issue a driveway permit for more direct access to the Plymouth liquor store on route 3-A.

Construction costs of the driveway shall be assumed by the property owner and such driveway permit shall be rescinded if and when the liquor store is no longer located at such site.

Amend the bill by deleting sections 24-28 and renumbering the original sections 29-34 to read as 24-29.

Amend the bill by replacing section 29 with the following:

29 Appropriation; Department of Administrative Services. The following is appropriated to the department of administrative services for the biennium ending June 30, 1991, for a new courthouse in Rockingham county on county-owned land at the Rockingham county complex in Brentwood:

I. Rockingham county courthouse-preliminary design, final design and construction documents	\$ 475,000
II. Rockingham county courthouse-road and site improvements	1,000,000
Total	\$ 1,475,000

Of the \$475,000 appropriated in paragraph I, \$200,000 shall be a charge against the escrow fund for court facility improvements and \$275,000 shall be bonded pursuant to section 30 of this act. The funds appropriated in this section shall not be spent, obligated, or encumbered until such time as the department of administrative services has developed an action plan and received the approval of such plan from the capital budget overview committee. After the action plan is approved, the department may spend funds for preparation of design documents but no other funds shall be spent, obligated or encumbered until the design documents receive the approval of the capital budget overview committee.

30 Bonding Authorization. To provide funds for the project in section 29 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$1,275,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided that such bonds shall be 5-year bonds.

31 Payments. The payment of principal and interest on bonds and notes issued for the project in section 29 shall be made from the general fund.

32 Repeal. 1989, 367:19, relative to an appropriation to the supreme court for preparation of design and construction documents for a new Rockingham county courthouse, is repealed.

33 Appropriation; Department of Administrative Services. The sum of \$925,000 is appropriated to the department of administrative services for the biennium ending June 30, 1991, for the purchase and installation of furnishings, equipment, and a security system for the Hillsborough county superior court in Nashua.

34 Bonding Authorization. To provide funds for the project in section 33 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$925,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A, provided that such bonds shall be 5-year bonds.

35 Payments. The payment of principal and interest on bonds and notes issued for the project in section 33 shall be made from the general fund.

36 Appropriation. The sum of \$9,400,000 for the biennium ending June 30, 1991, is appropriated to the department of administrative services for the purpose of designing and constructing a new general office building on Hazen Drive in Concord, New Hampshire. This design shall incorporate a design document already prepared for the department of education building. The new design shall meet current applicable building codes and include expansion capabilities. The funds appropriated in this section shall not be spent, obligated, or encumbered until such time as the department of administrative services has developed an action plan and received the approval of such plan from the capital budget overview committee. After the action plan is approved, the department may spend funds for preparation of design documents but no other funds shall be spent, obligated or encumbered until the design documents receive the approval of the capital budget overview committee.

37 Bonds. To provide funds for the appropriation in section 36 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$9,400,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

38 Payment. The payment of principal and interest on the bonds and notes issued for the project in section 36 of this act shall be made when due from the general fund.

39 Appropriation; Liquor Commission. The sum of \$3,750,000 is hereby appropriated to the liquor commission for the biennium ending June 30, 1991, for land acquisition, design fees and construction of a liquor store on the northbound side of I-95.

40 Bonds. To provide funds for the appropriation in section 39 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,750,000 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

41 Payments. The payment of principal and interest on bonds and notes issued for the project in section 39 shall be made when due from the general fund.

42 Monitoring Reassessment of Taxable Property. Amend RSA 21-J:11 to read as follows:

21-J:11 Appraisers of Taxable Property.

I. Every person, firm, or corporation intending to engage in the business of making appraisals for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract. Upon written request from a municipality, the commissioner shall assist the communities with overseeing the progress of reevaluation by any person, firm, or corporation which engages in the business of making appraisals for municipalities and taxing districts which do not employ appraisers on a full-time basis. The oversight shall be at no expense to the municipality or taxing district.

II. When the board of tax and land appeals orders a reassessment of taxes previously assessed of all the taxable property in a city, town, or other governmental division under RSA 71-B:16, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner shall assist the municipality or the taxing district with overseeing the progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed the certification examination offered by the New Hampshire Association of Assessing Officials, or an equivalent examination offered by another recognized association of assessors. The oversight shall be at no expense to the municipality or taxing district.

43 Eliminating Annual Registration Fees for Class AA Dams. Amend RSA 482:8-a to read as follows:

482:8-a Annual Registration Fee.

I. Annual registration fees for dams shall be payable to the division of water resources on March 1 of each calendar year. Failure to pay the registration fee shall be considered a violation of RSA [482:11] 482:15. Yearly dam registration fees based on the following dam classification shall be as follows: [Class AA = \$20;] Class A = \$50; Class B = \$200; Class C = \$300. Revenues from this annual

registration are to be collected by the division and deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams.

II. Appropriation: There is hereby appropriated for the bien-nium ending June 30, 1991, the sum of \$45,000 to be deposited in the dam maintenance fund established in RSA 482:55 to be used for the inspection of dams. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

44 Effective Date.

I. Section 28 of this act shall take effect July 1, 1990.

II. Section 42 of this act shall take effect 60 days after its pas-sage.

III. The remainder of this act shall take effect upon its passage.

*Conferees on the Part
of the Senate*

Sen. Dupont, Dist. 6
Sen. Torr, Dist. 21
Sen. Blaisdell, Dist. 10

*Conferees on the Part
of the House*

Rep. Phelps, Merr. 1
Rep. Shaw, Merr. 7
Rep. Guay, Coos 7
Rep. Salatiello, Belk. 3

AMENDED ANALYSIS

This bill appropriates funds for design and construction docu-ments and site improvements for a new Rockingham county court-house on county-owned land in Brentwood.

The bill also makes an appropriation for the purchase and installa-tion of furnishings, equipment, and a security system for the Hills-borough county superior court.

The bill appropriates funds to the department of administrative services for the design and construction of a new general office building in Concord.

The bill appropriates funds to the liquor commission for land ac-quisition, design fees and construction of a liquor store on the north-bound side of I-95.

This bill inserts a budget footnote which allows the public works bureau of the department of transportation to expend revenues in excess of its budget estimate, with the prior consent of the fiscal committee and the approval of the governor and council.

This bill extends, to June 30, 1991, certain appropriations made to the department of resources and economic development, the depart-ment of fish and game, and the department of transportation.

The bill also increases the maximum amount of funds, which may be available for winter ski operations at Mount Sunapee and Cannon Mountain, from \$200,000 to \$400,000 each fiscal year.

The bill makes adjustments to certain capital projects' bond authorization.

The bill also allows the port authority to make business arrangements with foreign countries and their port entities.

This bill requires the department of transportation to issue a driveway permit for access to the Plymouth liquor store on Route 3-A.

The bill lowers certain fees that were raised earlier in the 1990 legislative session to the levels the fees were at before the increases. The increases are to be reinstated July 1, 1990.

This bill provides that when the board of tax and land appeals orders a reassessment of taxable property, and a private person, firm, or corporation contracts or agrees to make the reassessment for the municipality or the taxing district, the commissioner of revenue administration shall assist the municipality or the taxing district with overseeing such progress of the reassessment when the municipality or the taxing district does not employ appraisers who have passed a certain certification examination offered by the New Hampshire Association of Assessing Officials. The oversight by the commissioner shall be at no expense to the municipality or taxing district.

The bill eliminates the annual registration fee for class AA dams, and makes an annual appropriation of \$45,000 to the dam maintenance fund to be used for dam inspection.

Senator Dupont moved to adopt the Committee of Conference report.

Adopted.

Senator McLane wished to be recorded as opposed to the motion.

COMMITTEE OF CONFERENCE REPORT ON HB 139-FN-A

The committee of conference to which was referred House Bill 139-FN-A, An Act relative to mediation of special education disputes and making an appropriation therefor having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the Senate, and pass the bill as so amended:

Amend the bill by replacing all after section 3 with the following:

4 Individualized Education Plans. RSA 186-C:7, IV is repealed and reenacted to read as follows:

IV. The department of education, bureau of special education services, shall review any individualized education plan which includes a residential placement and for which the total cost of the placement exceeds \$20,000. After review, the bureau of special education services may recommend an alternative appropriate placement to the local education agency, the superintendent, the individualized education plan placement team, and the parent.

5 Teacher Redefined. Amend RSA 100-A:1, VI to read as follows:

VI. "Teacher" shall mean any regular or special teacher, principal, supervisor or administrator, librarian or other member of the teaching or professional staff engaged in the service of the public elementary and secondary schools located within the state and supported by and under the control of the state, the local school district, or other employers of teachers eligible for membership in the system. **For teachers who job share, teacher shall mean 2 individuals who share one position.**

6 New Paragraph; Creditable Service for Job Sharing. Amend RSA 100-A:4 by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding any provision of paragraph III to the contrary, any teacher in service during or after the 1990-91 school year who shares a job-sharing position with another teacher shall be eligible for membership in the retirement system and shall receive credit for 1/2 of the period of job-sharing service at the full rate of pay for the teaching position. In the case of any currently active or retired teacher who shared a job-sharing teaching position with another teacher during any period before July 1, 1990, and who was in appropriately enrolled for retirement purposes and who has received service credit for the full period of such job-sharing service, creditable service rendered through June 30, 1990, shall not be recalculated to conform with the provisions of this paragraph but shall remain in effect as it was granted.

7 Study Committee Established.

I. There is hereby established a study committee on job-sharing for group I employee members of the New Hampshire retirement system. The study committee shall be composed of the following members:

(a) Three members of the house of representatives, to be appointed by the speaker of the house.

(b) Three members of the senate, to be appointed by the president of the senate. The appointments of the members in this paragraph shall be made within 60 days of the effective date of this act.

II. The committee shall study the current provisions of RSA 100-A dealing with employee members of group I of the New Hampshire retirement system who job share.

III. The committee shall submit a report of its findings to the governor, the speaker of the house of representatives, and the senate president no later than November 1, 1990.

8 Appropriation; Postsecondary Education Commission. In addition to any other sums appropriated, the sum of \$27,868 is appropriated for the fiscal year ending June 30, 1991, to the postsecondary education commission for the purpose of making up a shortfall in the funding for the New England Board of Higher Education annual membership assessment. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

9 Supplemental Appropriation; Special Initiatives Program. In addition to any other sums appropriated, the sum of \$9,360 is appropriated for the fiscal year ending June 30, 1990, to the special initiatives program administered by the department of education for the purpose of reimbursing school districts for special initiatives project expenses already incurred. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

10 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1990.

Conferees on the Part of the Senate

Sen. Disnard, Dist. 8

Sen. Bond, Dist. 1

Sen. Torr, Dist. 21

Conferees on the Part of the House

Rep. Shaw, Merr. 7

Rep. Burton, Straf. 4

Rep. Skinner, Rock. 21

Rep. Robinson, Hills. 12

AMENDED ANALYSIS

This bill establishes mediation procedures within the department of education for informal resolutions of disputes between parents and local education agencies regarding special education programs, placements and evaluations.

The bill appropriates funds for the purpose of implementing these mediation procedures.

The bill makes appropriations for purposes of funding court-ordered special education placements nonlapsing.

This bill permits teachers who job share to receive credit for retirement purposes for 1/2 of the period of job-sharing service at the full rate of pay received for the teaching position. The bill applies to teachers teaching during or after the 1990-91 school year and to teachers retired after June 30, 1990.

The bill also states that each currently active teacher who job shares, and each currently retired teacher retired as of June 30, 1990, who shared a job sharing teaching position with another teacher, who was inappropriately enrolled for retirement purposes and received service credit for the full period of job sharing, shall not have his creditable service rendered through June 30, 1990, recalculated by his employer. Such creditable service shall remain in effect as it was granted as of June 30, 1990.

The bill also establishes a committee to study job-sharing for group I employee members of the New Hampshire retirement system. The committee must complete its report and submit its findings no later than November 1, 1990.

This bill makes an appropriation for the fiscal year ending June 30, 1991, to the postsecondary education commission for the purpose of making up a shortfall in the funding for the New England Board of Higher Education annual membership assessment.

This bill makes a supplemental appropriation for the fiscal year ending June 30, 1990, to the special initiatives program administered by the department of education for the purpose of reimbursing school districts for special initiatives project expenses already incurred.

Senator Disnard moved to adopt the Committee of Conference report.

Adopted.

COMMITTEE OF CONFERENCE REPORT ON HB 1225-FN-A

The committee of conference to which was referred House Bill 1225-FN-A, An Act to define "retired state employee" for state employee group insurance purposes having considered the same, report the same with the following recommendations:

That the House recede from its position of nonconcurrence with the Senate amendment, and concur with the Senate amendment, and

That the Senate and House each pass the bill as amended by the Senate.

Conferees on the Part of the Senate

Sen. Blaisdell, Dist. 10
Sen. Dupont, Dist. 6
Sen. Freese, Dist. 4

Conferees on the Part of the House

Rep. Powers, Carr. 5
Rep. MacDonald, Carr. 6
Rep. King, Hills. 42
Rep. Ward, Graf. 1

Senator Blaisdell moved to adopt the Committee of Conference report.

Adopted.

Recess.

Out of Recess.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bill:

HB 1304-FN, establishing a committee to study mobile health care units and making certain appropriations.

HB 1182-FN, relative to expenditures by the public works bureau in excess of budget estimates and extending lapse dates of certain appropriations.

HB 1229-FN, relative to organizational and personnel changes within the department of corrections.

HCR 13, to protect and preserve the tenth amendment to the United States Constitution.

HB 1225-FN-A, to define "retired state employee" for state employee group insurance purposes.

HB 139-FN-A, relative to mediation of special education disputes and making an appropriation therefor.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

HB 1046, relative to the declaration of purpose for the planning and zoning laws.

HB 1026, relative to the definition of public access to public waters.

HB 348-FN, relative to damages from construction.

HB 1347-FN-A, relative to quality assurance records of community mental health programs.

HB 1441-FN, relative to medicaid fraud.

HB 1431-FN, relative to the board of registration in medicine and the pharmacy board.

HB 1410-FN, relative to recodifying the liquor laws and standardizing licensing and fee requirements.

HB 1385-FN-A, to make technical corrections in the retirement system laws and making an appropriation for the director of finance.

HB 1382-FN-A, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges.

HB 1371-FN-A, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

HB 1353-FN, relative to the oversight committee on health and human services.

HB 1344, relative to least cost planning by electric utilities.

HB 1245-FN, relative to the statute of limitation on prosecutions for sexual assault offenses against children.

HB 731, relative to a state police barracks honor roll.

HB 1231-FN, relative to the 10-year state highway plan and the governor's advisory commission on highways.

HB 1250-FN, relative to employees of the dog and horse racing industry.

HB 1252-FN, to establish a revolving fund for publications and training in the department of environmental services.

HB 1289-FN, relative to DWI offenses.

HB 1332-FN, establishing a committee to study the personnel problem in long-term health care facilities.

HB 1264-FN, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

HB 1301-FN, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

HB 1370, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate.

HB 1405-FN-A, relative to sludge and septage management programs.

HB 1409-FN, relative to workers' compensation and making an appropriations therefor.

HB 1432-FN, relative to the New Hampshire rivers management and protection program.

HB 1438, relative to the goals and objectives for reduction of solid waste.

HB 1439-FN, relative to the reimbursement to the state for certain services rendered at race tracks.

HB 1015, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton.

HB 1062, relative to record books kept by registers of deeds.

HB 1114-FN-A, relative to a study of care of the elderly and making an appropriation for meals on wheels.

HB 1120, relative to notice of insurance cancellation.

HB 1162-A, relative to the railroad banking program.

HB 1174-FN, relative to laws regarding children and minors.

HB 1181-FN, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza.

HB 363-FN, relative to the issuing of trapping licenses.

HB 430-FN, relative to certification for real estate appraisers.

REMOVED FROM THE TABLE

Senator Dupont moved to remove **HB 1506-FN** from the table.

Senator Dupont offered a floor amendment.

SENATOR DUPONT: The floor amendment, as I understand it, deals with the issue of bottom ash and corrugated cardboard. It is an amendment that deals with the good issues that were in SB 57 which I think Senator Torr and I sponsored five or six years ago, and it has been studied that long. It has finally emerged.

SENATOR MAGEE: Is the word Wheelabarator in the bill?

SENATOR DUPONT: There is no word that has an semblance to wheelabarator; there is no gas tax. There is nothing offensive in this bill.

Floor Amendment to HB 1506-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to state employee layoffs, classified state employees, the rulemaking authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.

Amend the bill by replacing section 10 with the following:

10 Purpose. The general court recognizes that the wise use of society's natural resources includes the resource recovery techniques of recycling and reuse. The people of the state of New Hampshire generate approximately 2,800 tons per day and one million tons per year of solid waste, most of which is buried in landfills. Reuse and recycling reduces solid waste and litter; conserves natural resources, saves energy, saves waste disposal costs, reduces pollution, and promotes awareness of prudent resource management. The general court recognizes that it is important for the state to set the example in this critical area and seeks to accomplish this goal by requiring, when feasible, the agencies of the state to improve solid waste management by reuse and recycling.

11 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (ff) the following new subparagraph:

(gg) The money received under RSA 21-I:60, which shall be credited to the special recycling fund established under RSA 21-I:60.

12 New Subdivision; Waste Reduction and Recycling Program. Amend RSA 21-I by inserting after section 58 the following new subdivision:

Waste Reduction and Recycling Program

21-I:59 Definition. In this subdivision "agency" means any state department, commission, board, institution, bureau, office or other entity, by whatever name called, established in the state constitution, statutes, session laws, or executive orders, but not including those within the legislative and judicial branches of state government.

21-I:60 Statewide Recycling Program for State Agencies; Fund.

I. The commissioner shall establish a mandatory waste reduction and recycling program which shall include a separate recycling program for each agency on or before November 30, 1990. The commissioner shall also adopt rules relative to guidelines for agencies to follow in their proposed individual plans. A special fund shall be established within the office of the state treasurer, to receive recycling

revenue, which shall be utilized for purposes of this program. Agencies shall forward all recycling revenue to the state treasurer on a monthly basis. The commissioner may use moneys in the fund for the purposes of recycling and solid waste reduction.

II. Funds accruing to the liquor commission from the sale of corrugated boxes shall be exempt from the provisions of paragraph I. The liquor commission shall report quarterly to the director, division of plant and property management, on the use of such funds in its recycling program. Excess funds generated by the recycling program of the liquor commission which are not used by June 30 of each year shall lapse to the fund established in RSA 21-I:60, I.

21-I:61 Individual Agency Plans. Each agency shall submit a proposed written waste reduction and recycling plan to the commissioner within 6 months of the effective date of this section. Within the plan, the agency shall identify and propose changes to any agency rules, policies, or practices which discourage solid waste reduction and recycling, or unnecessarily favor the use of virgin material instead of recycled material. Each agency shall also bring to the commissioner's attention any law which discourages such reduction and recycling, with the agency's recommended changes.

21-I:62 Commissioner to Provide Assistance. The commissioner shall provide consultation and technical assistance to each agency, in consultation with the department of environmental services.

21-I:63 Implementation of Agency Plans. Each agency shall implement its plan as soon as practicable, but in no event later than December 31, 1990. In addition, each agency shall review its bid specifications for materials purchased and shall revise any such specifications that unnecessarily prohibit the use of recycled products or which require the use of a new or virgin product.

21-I:64 Rulemaking. The commissioner shall adopt rules, under RSA 541-A, relative to:

I. What constitutes recycled or recyclable materials. Recyclable materials shall include, but not be limited to, separated clear and colored glass, aluminum, ferrous and non-ferrous metals, plastics, corrugated cardboard, batteries, tires, and all paper.

II. Suggested standards for agencies to use in developing their proposed individual waste reduction and recycling plans.

21-I:65 Recycled Materials Purchase Plan.

I. The department of administrative services, as the state's procurement agency, shall conduct its procurement operations so as to incorporate recycled and recyclable products into its purchasing decisions. Such products shall be made available to agencies whenever feasible, acceptable, and appropriate.

II. The department of administrative services shall promote awareness of and prevent discrimination against products which contain recycled materials in the following manner:

(a) The department shall include an appropriate bid specifications line asking bidders what percentage of the materials in their products are recycled and shall note that the state is seeking to increase procurement of products containing such materials.

(b) As soon as practicable, but in no event later than December 31, 1990, the department shall review bid specifications for materials purchased and revise any such specifications that unnecessarily prohibit the use of recycled products or that require the use of a new or virgin product.

III. The department shall strive to achieve goals for the increased purchase of papers containing recycled fiber content with a primary goal of a minimum of 25 percent of paper purchases being recycled paper by 1993.

IV. The department shall, to the greatest extent possible, avoid the purchase of specified materials or products which contribute to global environmental degradation and shall not purchase such materials when reasonable substitute materials are available.

13 Recycling Bottom Ash. Amend 1989, 119:1 to read as follows:

119:1 Recycling Bottom Ash; Report. The department of environmental services shall issue a report and recommendations regarding the technology of recycling bottom ash and possible state uses of recycled bottom ash from waste to energy facilities. The department shall review existing studies, including the University of New Hampshire's recycling research, and shall consult with the university regarding its recommendations. The department shall issue its report and recommendations to the legislature by January 1, 1991. The report shall include a recommendation as to the acceptability of bottom ash as an environmentally safe product in recycled form, a list of proposed state uses including use as aggregate for construction, and specific methodologies including retrofitting of existing facilities for generation of recyclable products, including metals. If feasible, the report shall recommend technical standards and procedures for new facility construction which shall facilitate and implement recycling of bottom ash. [The department shall not examine studies of presently operating waste to energy incineration facilities.]

14 Effective Date.

I. Section 3 of this act shall take effect July 1, 1990.

II. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

III. The remainder of this act shall take effect upon its passage.

AMENDED ANALYSIS

This bill requires that state employees laid off between January 1, 1990, and December 31, 1990, pursuant to 1990, 1:16 or any other state law be rehired, if positions for which the person meets the minimum requirements become available in any department or establishment, as long as such person is not currently employed by the state of New Hampshire. The same preference is to be given to any person bumped as a result of the layoffs. If more than one employee meets the qualifications for the position, the position is to be filled in order of seniority.

The bill also continues state-paid medical or health care coverage for state employees who were laid off or bumped as a result of the layoff process in 1990, 1:16 for 3 months in certain circumstances at 100 percent and for the next 3 months at 50 percent.

The bill clarifies when classified state employees can engage in political activities and allows state employees to cure any potential conflicts of interest between their employment and political activities. The bill also clarifies how a determination of an impermissible conflict is made.

This bill authorizes the commissioner of environmental services to adopt rules for the department, and to reorganize the rules of the department and make certain reference changes in the rules to reflect departmental reorganization.

The bill increases certain 1990-91 revenue estimates.

This bill requires the commissioner of the department of administrative services to establish a waste reduction and recycling program with specific guidelines for all state agencies, facilities, and employees. Each state agency shall be assessed and provided with guidelines for a mandatory recycling program. This bill exempts the liquor commission from the requirements established in this bill.

Any funds generated from this program shall be deposited in a special fund within the office of the state treasurer to be used to offset the costs of implementing this program.

The bill requires the department of environmental services to include an examination of presently operating waste to energy incineration facilities in its report on recycling bottom ash required pursuant to 1989, 119:1.

Amendment adopted. Ordered to Third Reading.

SUSPENSION OF THE RULES

Senator Dupont moved that the rules be suspended to put **HB 1506** on Third Reading and Final Passage at the present time.

Adopted.

THIRD READING AND FINAL PASSAGE

HB 1506-FN, relative to state employee layoffs, classified state employees, the rulemaking authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.

HOUSE MESSAGE

The House of Representatives has adopted the recommendation of the Committee of Conference to which was referred the following entitled Bills:

HB 1097, legalizing actions taken on a warrant article at the March 14, 1989, Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett.

HB 1103-FN, relative to the regional fuel tax agreement.

HB 1107-FN, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

HB 1204, reinstating the corporate charter of the Waltham Screw Co., Inc.

HB 1228-FN, relative to preparation of master jury lists by computer.

HOUSE MESSAGE

The House of Representatives has refused to adopt the recommendation of the Committee of Conference to which was referred the following entitled Bill:

SB 57, relative to mandatory waste reduction and recycling for state agencies.

HOUSE MESSAGE

The House of Representatives has concurred with the Senate in the passage of the following entitled Bill with amendment:

HB 1506-FN relative to state employee layoffs, classified state employees, the rulemaking authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.

RESOLUTION

Senator Dupont resolved that the Senate now adjourn from the early session, that the business of the late session be in order at the

present time; that the Senate be in recess for the sole purpose of Enrolled Bills Reports and that when we adjourn, we adjourn to the joint call of the President of the Senate and the Speaker of the House.

Adopted.

RESOLUTION

Senator Dupont further moved that all legislation including committee of conference reports, not addressed by this body, or still on the table shall by this resolution shall be inexpedient to legislate.

KILLED BY RESOLUTION

HB 575, relative to campaign financing.

HB 685, relative to tenant evictions.

HB 690, relative to surplus funds and expenditures by candidates.

HB 705, relative to drug-free school zones and making an appropriation therefor.

HB 1172-FN, relative to the physical condition of drivers.

HB 1254, relative to smoking in laundromats and on buses.

Recess.

April 23, 1990

Out of Recess.

Senator Bartlett in the Chair.

ENROLLED BILL AMENDMENTS

Enrolled Bill Amendment to HB 1506-FN

Amend the bill by replacing all after section 13 with the following:

14 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 11 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the

speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

15 Effective Date.

I. Section 3 of this act shall take effect July 1, 1990.

II. Sections 4-7 of this act shall take effect as provided in section 8 of this act.

III. The remainder of this act shall take effect upon its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1162-A

Amend section 4 of the bill by replacing line 8 with the following:

appropriate funds as provided in section 10 for the purchase of abandoned railroad rights-of-way and

Amend section 7 of the bill by replacing lines 1-4 with the following:

7 Registration Fee; New Fund. Amend RSA 261:141 by inserting after paragraph IX the following new paragraph:

X. Whenever a registration has been suspended, a fee of \$25 shall be paid for the restoration of such registration. Such fee shall be in addition to the fee required under RSA 263:42, V. This \$25 shall be placed in

Amend the bill by inserting after section 12 the following and renumbering the original section 13 to read as 15:

13 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 5 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

14 Contingency; Change in Term. If HB 1289-FN, "An Act relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system," becomes law, references to "alcohol education program" in section 12 of this act shall be changed to "impaired driver education program."

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1083

Amend RSA 215-A:6, III(a) as inserted by section 3 of the bill by replacing line 2 with the following:

reasonable and prudent under the existing conditions and **without** regard for

Amend RSA 215-A:23, V(a) as inserted by section 7 of the bill by replacing line 24 with the following:

account and shall be used and appropriated solely for this purpose.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 756-FN

Amend the bill by replacing section 2 with the following:

2 Contingency. If HB 1046, "An Act relative to the declaration of purpose for the planning and zoning laws," becomes law, RSA 672:1, III-d as inserted by section 1 of this act shall be renumbered to RSA 672:1, III-e.

3 Effective Date. This act shall take effect 60 days after its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 731

Amend the title of the bill by replacing it with the following:

AN ACT

relative to a state police barracks honor roll.

Amend section 1 of the bill by replacing lines 2-3 with the following:

RSA 106-B by inserting after section 18 the following new section: 106-B:18-a State Police Barracks Honor Roll; Committee.

Amend RSA 106-B:18-a, I as inserted by section 1 of the bill by replacing line 6 with the following:

individual, organization, or a group of individuals to the committee

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 430-FN

Amend RSA 310-B:2, IX as inserted by section 3 of the bill by replacing line 1 with the following:

IX. "Federally-related transaction" means any transaction which:

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 2 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 409-FN

Amend paragraph I of section 8 of the bill by replacing it with the following:

I. RSA 310-A:100 and RSA 310-A:102 as inserted by section 5 of this act shall take effect upon its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 149-FN

Amend the bill by replacing all after section 6 with the following:

7 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 5 of this act and to make any technical changes to the numbering in any bill sections or

RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

8 Effective Date. This act shall take effect July 1, 1990.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1182-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property and class AA dams.

Amend line 3 of section 5 of the bill by replacing it with the following:

economic development in 1987, 399:1, IX, J as amended by 1988, 224:24 for

Amend line 3 of section 11 of the bill by replacing it with the following:

amended by 1983, 423:17, 1986, 211:18 and 1989, 367:27, II(j) for the

Amend line 1 of section 18 of the bill by replacing it with the following:

18 Appropriations; Department of Transportation. Amend 1989, 367:1, XII, A

Amend the bill by replacing lines 2-4 of section 25 with the following:

Amend RSA 482-A:3 by inserting after paragraph IX the following new paragraph:

X. The wetlands board may enter into a memorandum of agreement

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1129-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor; relative to the waste management council, and relative to toxics in packaging.

Amend section 1 of the bill by replacing line 1 with the following:

1 Purpose. The purpose of section 1-3 of this act is to authorize the department of

Amend the introductory paragraph of RSA 149-M:26, III as inserted by section 10 of the bill by replacing lines 2 and 3 with the following:

and hexavalent chromium incidentally present in any package or packaging component shall not exceed the following:

Amend the bill by replacing paragraph I of section 11 with the following:

I. Section 4 of this act shall take effect January 1, 1991.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1174-FN-A

Amend the bill by deleting section 15 and renumbering sections 16-22 to read as 15-21, respectively.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1304-FN

Amend section 4 of the bill by replacing line 2 with the following:

of this act shall be made within 15 days of the effective date of this section.

Amend section 13 of the bill by replacing line 2 with the following:
shall be transferred from class line 10, personal services-permanent,
to

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1354-FN

Amend RSA 270-D:6 as inserted by section 1 of the bill by replacing line 2 with the following:

register under RSA 270-D:3, vessels owned or operated by the state or any

Amend RSA 72-A:3, I as inserted by section 4 of the bill by replacing lines 3 and 4 with the following:

Length Motor New 1yr old 2yr old 3yr old 4yr old

in feet or older

Amend RSA 72-A:5, II as inserted by section 6 of the bill by replacing line 2 with the following:

vehicles] **department of safety**, the [division] **department** shall [each month] at

Amend paragraph VI of section 13 of the bill by replacing line 2 with the following:

certificate of inspection suspension, registrations, and plates.

Amend section 18 of the bill by replacing line 2 with the following:

Amend RSA 21-P:14, II by inserting after subparagraph (z) the following new

Amend the bill by replacing section 25 with the following and re-numbering the original section 25 to read as 26:

25 Contingent Provisions.

I. If HB 716 of the 1990 legislative session, "An Act to codify certain boating and water safety rules," becomes law, then RSA 270-D as inserted by section 1 of this act, and all references to provisions of RSA 270-D made within this act, shall be changed to RSA 270-E.

II. If HB 1258-FN of the 1990 legislative session, "An Act establishing a New Hampshire clean lakes program," becomes law, then section 23 of this act shall not take effect and RSA 270-D:5, II(a) as inserted by section 1 of this act shall be replaced by the following:

(a) \$.50 for each registration specified in paragraph I. The fees collected under this subparagraph shall be paid into the lake restoration and preservation fund established under RSA 487:25.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to SB 343-FN

Amend the title of the bill by replacing it with the following:

AN ACT

providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1432-FN

Amend the bill by replacing lines 2-3 of section 24 with the following:

after section 12-a the following new section:

483:12-b Subject to Other Laws. Any activities permitted under this

Amend the bill by inserting after section 24 the following and renumbering the original section 25 to read as 26.

25 Renumbering Contingency. If HB 442-FN-A, "An Act relative to establishing a lakes management and protection program," becomes law, RSA 483:14 as inserted by section 15 of this act shall be renumbered to RSA 483:15.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1438

Amend RSA 149-M:1-a, V as inserted by section 1 of the bill by replacing line 6 with the following:

under RSA 53-A and 1986, 139 or RSA 53-B to violate or incur penalties

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1405-FN-A

Amend RSA 146-D:3, III as inserted by section 20 of the bill by replacing line 8 with the following:

RSA 146-D:5, may waive all or any portion of such penalties, for good

Amend the bill by replacing all after section 21 with the following:

22 Contingency. If HB 1219, "An Act relative to the oil discharge and disposal cleanup fund," becomes law, RSA 146-D:5, I(e) as inserted by section 21 of this act shall be renumbered as RSA 146-D:5, I(f).

23 Effective Date. This act shall take effect upon its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 139-FN-A

Amend the title of the bill by replacing it with the following:

AN ACT

relative to creditable service for teachers who job share, mediation of special education disputes, individualized education plans and making an appropriation therefor, establishing a study committee, and making certain supplemental appropriations.

Amend the bill by replacing section 10 with the following:

10 Contingency. If HB 1200-FN, "An Act to change the name of the governor's commission for the handicapped," becomes law, all references to "handicapped" in this act shall be replaced with "disabled".

11 Effective Date.

I. Section 9 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 1990.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to SB 340-FN-A

Amend the bill by replacing all after section 2 with the following:

3 Contingency.

I. If HB 1200-FN, "An Act to change the name of the governor's commission for the handicapped," becomes law, all references to "handicapped" in RSA 186-C:23-26 as inserted by section 1 of this act shall be replaced with "disabled".

II. If HB 139-FN-A, "An act relative to creditable service for teachers who job share, to mediation of special education disputes, to individualized education plans and making an appropriation therefor, establishing a study committee and making certain supple-

mental appropriations," becomes law, RSA sections 186-C:23-26 shall be renumbered as RSA sections 25-28 and the internal references to RSA sections 186-C:23-26 shall be changed to reflect such renumbering.

4 Effective Date. This act shall take effect 60 days after its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to SB 328

Amend the bill by replacing section 4 with the following:

4 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 270 which inserts any new section into the chapter becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this act or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

5 Effective Date. This act shall take effect upon its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to SB 320-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to court-ordered commitments, suspended sentences,
and senior assistant attorneys general.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1418-FN

Amend RSA 170-E:34, I as inserted by section 8 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) The release of information to persons receiving the child which pertains to the life and safety of the child either about to be placed or already in placement, and which may pertain to the life and safety of the persons who are receiving or who have received

the child for placement. For purposes of this subparagraph, placement shall mean out-of-home placements, including placements for adoption.

Amend the bill by inserting after section 15 the following and renumbering section 16 to read as 17:

16 Contingency. If HB 1200-FN, "An Act to change the name of the governor's commission for the handicapped," becomes law, all references to "handicapped" in sections 1-11 of this act shall be replaced with "disabled".

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1264-FN

Amend RSA 540-A:4, VII(a) as inserted by section 1 of the bill by replacing line 1 with the following:

(a) An order prohibiting the defendant from continuing the

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1097

Amend the title of the bill by replacing it with the following:

AN ACT

legalizing actions taken at town, school district and
district meetings and relative to the collection
of the town portion of taxes in
the town of Hooksett.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1229-FN

Amend the title of the bill by replacing it with the following:

AN ACT

relative to the department of corrections, the liquor commission,
the pari-mutuel commission, and making an appropriation
to the department of labor.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to SB 353-FN

Amend the bill by replacing section 5 with the following:

5 Contingency; Renumbering. If HB 1151-FN, "An act requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.," becomes law, RSA 6:12, I(gg) as inserted by section 3 of this act shall be renumbered to RSA 6:12, I(hh). If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by such act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

6 Effective Date. This act shall take effect 60 days after its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1406-FN

Amend the bill by replacing all after section 15 with the following:

16 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 6:12, I which inserts any new subparagraph into the paragraph becomes law, the director of legislative services is authorized to renumber RSA 6:12, I(gg) as inserted by section 15 of this act and to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

17 Effective Date.

I. Sections 6 and 7 of this act shall take effect July 1, 1990.

II. Sections 14 and 15 of this act shall take effect April 1, 1990.

III. The remainder of this act shall take effect upon its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to SB 351-FN

Amend paragraph III of section 4 of the bill by replacing line 7 with the following:

carry on any other business of the authority prior to June 1, 1990.

Amend the bill by replacing all after section 10 with the following:

11 Bail Commissioners; Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, or directors, officers and employees of the New Hampshire energy authority, **or directors, officers, and employees of the Pease development authority** seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the

state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

12 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks or bail commissioners thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority, **or directors, officers, and employees of the Pease development authority** seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served

with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

13 Defense and Indemnification. Amend RSA 99-D:2 to read as follows:

99-D:2 Defense and Indemnification. If any claim is made or any civil action is commenced against a present or former officer, trustee, official or employee of the state or any agency thereof, including members of the New Hampshire national guard and any justice of the district, municipal, probate, superior or supreme court, or the clerks thereof, or any harbor master appointed by the New Hampshire port authority, or officials and employees of the New Hampshire housing finance authority[, or directors, officers and employees of the New Hampshire energy authority], **or directors, officers, and employees of the Pease development authority** seeking equitable relief or claiming damages for the negligent or wrongful acts and the officer, trustee, official, or employee requests the state to provide representation for him, and the attorney general, or, in the case of a claim or civil action commenced against the attorney general, the governor and council, determines that the acts complained of were committed by the officer, trustee, official, or employee while acting within the scope of official duty for the state and that such acts were not wanton or reckless, the attorney general shall represent and defend such person with respect to such claim or

throughout such action, or shall retain outside counsel to represent or defend such person, and the state shall defray all costs of such representation or defense, to be paid from funds not otherwise appropriated. In such case the state shall also protect, indemnify, and hold harmless such person from any costs, damages, awards, judgments or settlements arising from the claim or suit. The attorney general or governor and council shall not be required to consider the request of such person that representation be provided for him unless within 7 days of the time such person is served with any summons, complaint, process, notice, demand, or pleading he shall deliver the original or a copy thereof to the attorney general or, in the case of an action against the attorney general, to the governor and council. As a condition to the continued representation by the attorney general and to the obligation of the state to indemnify and hold harmless, such officer, trustee, official, or employee shall cooperate with the attorney general in the defense of such claim or civil action. No property either real or personal of the state of New Hampshire shall be subject to attachment or execution to secure payment of or to satisfy any obligations of the state created under this chapter. Upon the entry of final judgment in any action brought under this chapter, the governor shall draw his warrant for said payment out of any money in the treasury not otherwise appropriated, and said sums are hereby appropriated. The attorney general shall have the authority to settle any claim brought under this chapter by compromise and the amount of any such settlement shall be paid as if the amount were awarded as a judgment under this chapter. Indemnification by the state under this section shall be for the actual amount of costs, damages, awards, judgments, or settlements personally incurred by any such officer, trustee, official, or employee, and the state shall not pay any amounts for which payment is the obligation of any insurance carrier or company under a policy or policies of insurance or any other third party under a similar obligation.

14 Contingency.

I. If HB 1218-FN, "An act relative to defense and indemnification of bail commissioners," does not become law, section 2 of this act shall take effect upon its passage, section 13 of this act shall take effect January 30, 1991 at 12:01 a.m., and section 11 and 12 of this act shall not take effect.

II. If HB 1218-FN becomes law, section 11 of this act shall take effect upon its passage, section 12 of this act shall take effect January 30, 1991 at 12:01 a.m., and section 2 and 13 of this act shall not take effect.

15 Effective Date.

I. Sections 4, 8 and 14 of this act shall take effect upon its passage.

II. Sections 2 and 11-13 shall take effect as provided in section 14 of this act.

III. The remainder of this act shall take effect June 1, 1990.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1020

Amend the bill by replacing all after section 1 with the following:

2 Contingency; Renumbering. If any other act of the 1990 regular session of the general court which contains an amendment to RSA 270 which inserts any new section into the chapter becomes law, the director of legislative services is authorized to make any technical changes to the numbering in any bill sections or RSA sections inserted by this or any other act as necessary to conform said sections to proper bill or RSA format. Any such changes shall be subject to the approval of the president of the senate and the speaker of the house of representatives. The authority granted under this section shall not include the power to make any substantive changes and shall expire upon printing of the 1990 session laws.

3 Effective Date. This act shall take effect 60 days after its passage.

Senator Currier for the committee.

Adopted.

Enrolled Bill Amendment to HB 1015

Amend the title of the bill by replacing it with the following:

AN ACT

relative to operation of seaplanes and
helicopters in emergencies.

Senator Currier for the committee.

Adopted.

ENROLLED BILLS

HB 723, regarding the acid rain control act.

HB 1057, relative to a fee for lucky 7 tickets.

HB 1060, establishing a committee to study medical injury compensation and discipline of physicians.

HB 1102, relative to Route 16 in Conway.

HB 1150, relative to the oil pollution control fund.

HB 1178, relative to marital masters and making an appropriation therefor.

HB 1194, relative to liability of expenses for minor and children.

HB 1216, relative to depositions and videotape testimony.

HB 1234, relative to guardian's authority to admit to institutions.

HB 1343, establishing a study committee on private contract prison systems.

HB 1385, to make technical corrections in the retirement system laws and making an appropriation for the director of finance, and relative to eligibility for membership in the New Hampshire retirement system.

HB 1419, relative to the Monadnock advisory commission.

SB 309, establishing a New Hampshire heritage trail and making an appropriation therefor.

SB 319, relative to uniform principal and income act.

SB 346, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957.

SB 379, relative to indoor smoking.

HB 670, relative to public accommodation of physically handicapped persons.

HB 1026, relative to the definition of public access to public waters.

HB 1028, relative to the number of events at which a club may serve liquor in a year.

HB 1107, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud.

HB 1114, relative to a study of care of the elderly and making an appropriation for meals on wheels, relative to the department of health and human services, and relative to certain food service establishments.

HB 1120, relative to noticed of insurance cancellation.

HB 1151, requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.

HB 1195, relative to seasonal beverage permits and certain privileges of club members.

HB 1231, relative to the priority of projects on New Hampshire Routes 101 and 51.

HB 1250, relative to employees of the dog and horse racing industry.

HB 1256, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees.

HB 1301, creating a committee to study the passenger motor vehicle insurance market in New Hampshire.

HB 1344, relative to least cost planning by electric utilities.

HB 1370, relative to a statement of consideration and other matters concerning the transfer of real estate.

HB 1371, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor.

HB 1439, relative to the reimbursement to the state for certain services rendered at race tracks and unclaimed ticket money.

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HB 1289, relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system.

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

SB 340, establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.

SB 359, relative to modifying planning board procedures on plats.

SB 361, relative to radon gas and lead paint.

SB 371, relative to disciplinary actions against and expiration and renewal of licenses for licensees of the barbering, cosmetology, and esthetic board and making an appropriation for sending out license renewal notices.

SB 391, relative to confidential communications between certain victims and counselors and relative to domestic violence.

HB 716, to codify certain boating and water safety rules.

HB 1015, relative to operation of seaplanes and helicopters in emergencies.

HB 1027, establishing a black bear management program and requiring a special bear license and relative to the rules regarding taking of marine species.

HB 1070, relative to the data processing and computer management study committee and making an appropriation therefor.

HB 1097, legalizing actions taken at town, school district and district meetings and relative to the collection of the town portion of taxes in the town of Hooksett.

HB 1218, relative to defense and indemnification of bail commissioners.

HB 1225, to define "retired state employee" for state employee group insurance purposes and relative to requests for reclassification or reallocation.

HB 1252, to establish a revolving fund for publications and training in the department of environmental services.

HB 1264, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures.

HB 1310, allowing group I members to purchase out-of-state service as creditable service in the New Hampshire retirement system, relative to the participation of certain organizations in the New Hampshire retirement system, and relative to the city of Berlin retirement system.

HB 1353, relative to the oversight committee on health and human services and relative to licensure of certain food service establishments.

HB 1406, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste.

HB 1418, relative to licensing of child day care, residential care, and child-placing agencies.

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SB 320, relative to court-ordered commitments, suspended sentences, and senior assistant attorneys general.

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SB 367, relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits and making a supplemental appropriation to the New Hampshire retirement system.

HB 348, relative to damages from construction.

HB 363, relative to the issuing of trapping licenses.

HB 1046, relative to the declaration of purpose for the planning and zoning laws.

HB 1062, relative to record books kept by the registers of deeds and relative to the relinquishment of any rights of the state in certain real property owned by Winconia, Incorporated in Laconia, New Hampshire.

HB 1103, relative to the regional fuel tax agreement.

HB 1204, reinstating certain corporate charters.

HB 1228, relative to preparation of master jury lists by computer and a pilot program utilizing the driver's license list for the purpose of preparing master jury lists.

HB 1245, relative to the statute of limitations on prosecutions for sexual assault offenses against children.

SB 333, making a supplemental appropriation to aid the sensory impaired.

SB 374, establishing a study committee to examine probate court reporting requirements.

SB 378, making technical amendments to the liquor laws and relative to certain liquor and beverage license applications and qualifications.

SB 390, relative to laws regarding abuse and neglect of children.

HB 149, relative to operational permits for public water systems, relative to classified positions in the division of water supply and pollution control, and creating a new PAU.

HB 1182, relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property and class AA dams.

HB 1129, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to the waste management council, and relative to toxics in packaging.

HB 409, relative to licensing professional foresters.

HB 756, relative to cluster development and multi-family dwellings.

HB 430, relative to certification for real estate appraisers and making an appropriation therefor.

HB 1162, relative to abandoning and disposing of rail properties, relative to the railroad banking programs and making an appropriation therefor; and relative to suspension and revocation of licenses for certain motor vehicles offenses and creating a supplemental fund.

HB 1506, relative to state employee layoffs, classified state employees, the rulemaking authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.

HB 1083, establishing speed limits for the operation of OHRVs and increasing OHRV registration fees.

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HB 1020, relative to motors and horsepower on Lake Katherine in the town of Piermont.

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HB 1304, establishing a committee to study mobile health care units, making certain appropriations, relative to possession of drugs while driving, and transferring funds within the board of nurses registration.

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SB 343, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.

HB 1410, relative to recodifying the liquor laws and standardizing licensing and fee requirements.

SB 373, relative to compulsory school attendance and to home education.

HB 731, relative to a state police barracks honor roll.

Senator Currier for the committee.

Adopted.

Senator Heath moved to adjourn.

Adopted.

Adjournment.

May 3, 1990

The Senate met at 1:00 p.m.

A quorum was present.

The prayer was offered by the Rev. Dr. Vincent Fischer, Senate Chaplain.

Let Us Pray. Let us have a moment of silence for the repose of the soul of Senator Preston's mother who passed away recently and for Richard Wiggin's mother-in-law.

We thank you, Lord, for the fellowship once more to straighten out House Bill 1182 for which we are called together. Bless us Lord and especially those who are not coming back to this august body. Good luck and good health.

Amen

Senator Charbonneau led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

HOUSE MESSAGE

The House of Representatives has voted to sustain the Governor's veto on the following Bill: **HB 1182**, relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property and class AA dams.

ANNOUNCEMENTS

RESOLUTION

Senator Dupont moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, and that when we adjourn, we adjourn to the joint call of the President of the Senate and the Speaker of the House.

Adopted.

Senator Magee wished to be recorded as opposed to the motion.

LATE SESSION

Senator Dupont moved to adjourn.

Adopted.

Adjournment.

SENATE JOURNAL

1989 SPECIAL SESSION

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The abbreviations listed below are used in the Numerical Index.

adop	adopted
am	amended, amendment
conc	concurred
conf	conference committee
enr	enrolled
Finance	referred to Finance committee
H	House
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurrent
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rep	report
req	request, requested
SO	special order
study	referred to interim study committee
wthd	withdrawn, withdrew, withdrawal

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New title: establishing a committee to study the law of mechanics' liens and the foreclosure of mortgages.

6, LT 413-416, am 540-541, psd 544, nonconc H am, conf 1006, 1118 (IP)

SB 326-FN-A, relative to the authority of the governor to order reductions in expenditures by state departments and making an appropriation therefor. (Dupont and Hough - To Internal Affairs)

6, psd 78-79, 88, H LT 1114

SB 327-FN, relative to a state-sponsored credit card program. (King and Preston - To Banks)

6, psd 89, 143, H nonconc 841

SB 328, restricting the use of power motors on Garland Pond in the town of Moultonborough. (Heath and Rep. Foster of Car. 4 - To Development, Recreation and Environment)

New title: restricting the use of power motors on Garland Pond in the town of Moultonborough and annexing a portion of the town of Albany into the town of Sandwich.

6, am 277-278, psd 425, nonconc H am, conf 987, 1024, rep adop 1162-1163, enr am 1259, enr 1269 (Chapter 269)

SB 329, relative to penalties for intervening in stocking, displaying, listing, delisting, or marketing of products authorized by the liquor commission and prohibiting certain advertising of beverages. (Bartlett and Rep. Phelps of Mer. 1 - To Executive Departments)

6, psd 178, 207, nonconc H am, conf 961, 1004 (IP)

SB 330-FN-A, establishing an interest-free revolving loan fund and a guaranteed loan program for elderly care providers and making an appropriation therefor. (Podles and Rep. Parks of Str. 6 - To Finance)

6, study 221

SB 331, relative to Loon Mountain water supply for snowmaking. (King et al - To Development, Recreation and Environment)

6, K 209

SB 332, relative to electing zoning board of adjustment members. (King - To Public Affairs)

7, am 190-191, psd 208, H conc 637, enr 777 (Chapter 71)

- SB 333-FN-A**, making a supplemental appropriation to aid the visually impaired. (Nelson et al - To Finance)
New title: making a supplemental appropriation to aid the sensory impaired.
 7, am 221-222, psd 272, nonconc H am, conf 1005, 1118, rep adop 1166, enr 1271 (Chapter 270)
- SB 334-FN**, allowing the town of Ellsworth to establish a school district. (King and Rep. Markley of Graf. 6 - To Education)
 7, psd 174, 207, H conc 637, enr 777 (Chapter 72)
- SB 335-FN**, relative to the department of libraries, arts, and historical resources. (Krasker and Rep. Gross of Mer. 16 - To Executive Departments)
 7, psd 94-96, 143, H conc 637, enr am 836, enr 935 (Chapter 73)
- SB 336**, relative to the statute of limitations on prosecutions for bad checks. (Heath - To Judiciary)
 7, am 187, psd 207, H conc 967, enr 997 (Chapter 153)
- SB 337**, relative to interpreting zoning ordinances. (Heath - To Public Affairs)
 7, study 108
- SB 338-FN**, relative to the raising of funds by the trust fund for the prevention of child abuse and neglect. (Podles and Rep. Wallner of Mer. 21 - To Executive Departments)
 7, am 72-73, psd 88, H conc 1003, enr 1180 (Chapter 271)
- SB 339-FN**, relative to licensure of mobile barbershops. (Freese - To Executive Departments)
 7, am 96-97, psd 143, H conc 839, enr 997 (Chapter 111)
- SB 340-FN-A**, establishing a medicaid reimbursement program for educationally handicapped children and making an appropriation therefor. (Nelson et al - To Public Institutions/Health and Human Services)
New title: establishing a medicaid reimbursement program for handicapped children and making an appropriation therefor.
 7, am 85-87, psd 89, nonconc H am, conf 1007-1008, 1118, rep adop 1163, enr am 1258-1259, enr 1269 (Chapter 272)
- SB 341-FN**, establishing the home mortgage guarantee authority. (Freese and Rep. Krueger of Sul. 6 - To Banks)
 7, study 89-90
- SB 342**, relative to sailboards and flotation devices. (Magee - To Development, Recreation and Environment)
 7, K 278-281
- SB 343-FN**, providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system. (Blaisdell et al - To Insurance)
First new title: providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system and relative to supplemental allowances to retirement system members.
Second new title: providing a 5 percent cost of living adjustment for group II members of the New Hampshire retirement system.
 7, Finance 75, am 222-225, psd 272, recon notice 273, recon & am 423-425, psd 426, nonconc H am, conf 1005-1006, 1117, new conf 1222, rep adop 1223, 1223-1226, enr am 1257, enr 1272 (Chapter 273)
- SB 344-FN**, relative to septic tanks and holding tanks. (Blaisdell - To Development, Recreation and Environment)
New title: relative to the appointment of the director of water supply and pollution control.
 7, am 281-284, psd 425, H conc 839, enr 997 (Chapter 112)
- SB 345-FN**, relative to the New Hampshire Higher Educational and Health Facilities Authority. (Torr and Rep. Phelps of Mer. 1 - To Finance)
 7, psd 97-98, 143, H conc 839, enr 964 (Chapter 90)

- SB 346-FN**, providing a 5 percent cost of living adjustment for group I retirement system members and providing a 10 percent cost of living adjustment for teachers retired prior to July 1, 1957. (Blaisdell et al - To Insurance)
8, Finance 75-76, am 225-226, psd 272, conc H am 1073, enr 1267 (Chapter 274)
- SB 347-FN**, to provide an automatic cost of living adjustment for group I retirement system members. (Blaisdell et al - To Insurance)
8, Finance 76, study 226
- SB 348-FN**, relative to local school boards. (Freese et al - To Public Affairs)
8, K 108-110
- SB 349-FN**, relative to special meetings of school districts. (Freese et al - To Public Affairs)
New title: relative to special meetings of school districts and relative to voting for reconsideration of certain bond issues.
8, am & LT 110-116, am 158-159, psd 160, recon notice 162, psd 273, H nonconc 841
- SB 350-A**, relative to office building construction and making an appropriation therefor. (Torr - To Capital Budget)
First new title: relative to an office building and parking garage design and making an appropriation therefor.
Second new title: relative to an office building design and making an appropriation therefor.
8, am 147-148, psd 160, H nonconc 430
- SB 351**, relative to the powers of the Pease Air Force Base Redevelopment Commission. (Dupont - To Internal Affairs)
New title: relative to the Pease Air Force Base development authority and making an appropriation therefor.
8, am 228-258, psd 273, conc H am & remarks 1074-1075, enr am 1262-1266, enr 1272 (Chapter 161)
- SB 352-FN**, establishing time payment schedules for court-ordered fines for misdemeanors or violations. (Heath et al - To Judiciary)
New title: relative to the imposition of and time payment schedules for court-ordered fines for misdemeanors or violations and relative to certain information to be presented at the arraignment and sentencing of criminal defendants.
8, am 81-83, psd 89, H study 841
- SB 353-FN**, requiring state agencies to purchase recycled paper products. (Podles - To Development, Recreation and Environment)
8, am 172-174, psd 207, nonconc H am, conf 1005, recon & conc H am 1064, enr am 1261, enr 1270 (Chapter 247)
- SB 354-FN**, relative to temporary emergency motor vehicle registration. (King - To Transportation)
New title: relative to temporary emergency motor vehicle registration and the place of business of wholesale motor vehicle dealers.
8, am 128-129, psd 143, conc H am 962, enr 1119 (Chapter 154)
- SB 355-FN**, relative to regional vocational education. (Hough - To Education)
8, psd 174-175, 207, H nonconc 637
- SB 356-FN-A**, providing administrative support to the personnel appeals board and making an appropriation therefor. (Freese - To Executive Departments)
8, Finance 73-74, K 226
- SB 357-FN**, relative to titles for antique motor cars. (Freese - To Transportation.)
8, K 61-62
- SB 358**, modifying the subdivision approval process for minor subdivisions. Heath and Charbonneau - To Public Affairs)
8, am 419-420, psd 426, H nonconc 967
- SB 359**, relative to modifying planning board procedures on plats. (Heath and Charbonneau - To Public Affairs)
9, am 116-118, psd 143, nonconc H am, conf 988, 1024, 1066, rep adop 1167-1168, enr 1269 (Chapter 275)

- SB 360**, relative to the jurisdiction of the public utilities commission over the acquisition of the stocks and bonds of public utility or public utility holding companies. (Preston et al - To Internal Affairs)
9, am 184-186, psd 207, H conc 839, enr 997 (Chapter 113)
- SB 361**, relative to radon gas. (Bass - To Development, Recreation and Environment)
New title: relative to radon gas and lead paint.
9, LT 211-215, am 542-543, psd 544, nonconc H am, conf 987, 1004, rep adop 1163-1164, enr 1269 (Chapter 276)
- SB 362**, relative to reporting requirements for political committees. (Bass - To Public Affairs)
9, am 118-126, psd 143 (K)
- SB 363**, relative to the operation of health maintenance organizations, prohibiting automobile insurance cancellation under certain circumstances, and relative to other insurance matters. (Delahunty and Rep. Fraser of Mer. 6 - To Insurance)
9, am 152-155, psd 160, H conc 839, enr 997 (Chapter 114)
- SB 364-FN**, relative to the sale of fish and game licenses. (Magee - To Development, Recreation and Environment)
9, K 174
- SB 365-FN**, relative to service areas for purposes of certificate of need. (Delahunty and Currier - To Public Institutions/Health and Human Services)
9, study 205
- SB 366-FN**, relative to procedures in imposing court-ordered fines for misdemeanors or violations. (Heath et al - To Judiciary)
9, K 83
- SB 367-FN**, to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988. (Nelson - To Insurance)
First new title: to extend medical benefits to group II members on disability retirement who become group II members after June 30, 1988, relative to medical and surgical benefits for the children of deceased group II members, and relative to accidental death benefits.
Second new title: relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits.
Third new title: relative to medical and surgical benefits for the children of deceased group II members and relative to accidental death benefits, and making a supplemental appropriation to the New Hampshire retirement system.
9, am & Finance 76-78, rcmt 226-227, am 537-540, psd 544, nonconc H am, conf 1005, 1117, rep adop 1168-1169, enr 1270 (Chapter 277)
- SB 368-FN**, establishing a system of state financial incentives to stimulate a paper recycling industry in the North Country. (Podles - To Interstate Cooperation)
9, K 157
- SB 369-FN**, relative to proper disposal of compost waste material. (Podles - To Interstate Cooperation)
9, K 157-158
- SB 370-FN**, authorizing the reinstatement of previously discontinued highways within a town by vote on an article in the warrant. (Johnson et al - To Transportation)
9, psd 62, 63, conc H am 991, enr 1119 (Chapter 155)
- SB 371-FN**, authorizing additional disciplinary actions for barbering, cosmetology, and esthetics practice violations. (Bass - To Executive Departments)
New Title: relative to disciplinary actions against and expiration and renewal of licenses for licensees of the barbering, cosmetology and esthetics board, and making an appropriation for sending out license renewal notices.
9, psd 97, 143, nonconc H am, conf 1112, 1118, rep adop 1169-1170, enr 1269 (Chapter 278)
- SB 372-FN**, relative to motor vehicle license suspension. (Heath et al - To Transportation)
New Title: relative to suspension or revocation of the motor vehicle license or privilege to drive.
10, am 129-137, psd 143, H study 841

- SB 373-FN-A**, relative to home education and making an appropriation therefor. (Disnard and Rep. Robinson of Hil. 12 - To Education)
New Title: relative to compulsory school attendance and to home education.
 10, am 284-292, psd 426, conc H am 1075, enr 1272 (Chapter 279)
- SB 374-FN**, establishing a study committee to examine probate court reporting requirements. (Podles - To Public Affairs)
 10, am 126, psd 143, nonconc H am, conf 988, 1004, rep adop 1170-1171, enr 1271 (Chapter 280)
- SB 375-FN**, relative to simulcast wagering. (Delahunty and Blaisdell - To Ways and Means)
 10, K 88
- SB 376-FN-A**, relative to alcohol and drug testing and appropriating funds for expenses for such testing from the drug forfeiture fund. (Dupont and Rep. Phelps of Mer. 1 - To Transportation)
 10, K 139
- SB 377-FN**, to permit group II members to purchase out-of-state service as creditable service in the New Hampshire retirement system. (Delahunty - To Insurance)
 10, am 180-182, psd 207, nonconc H am, conf 1006, 1118, rep adop 1171, enr 1268 (Chapter 281)
- SB 378-FN**, making technical amendments to the liquor laws. (Bartlett - To Executive Departments)
New Title: making technical amendments to the liquor laws and relative to certain liquor and beverage license applications and qualifications.
 10, psd 74, 88, nonconc H am, conf 1113, rep adop 1172, enr 1271 (Chapter 235)
- SB 379-FN**, prohibiting smoking in enclosed workplaces, places of public access and places of public ownership. (Krasker et al - To Public Institutions/Health and Human Services)
New Title: relative to indoor smoking.
 10, LT 139-142, am 258-271, psd 273, conc H am 991, enr 1267 (Chapter 236)
- SB 380**, establishing a procedure for including additional natural science practitioners under the board of natural scientists. (Roberge et al - To Executive Departments)
New Title: establishing a committee to study the modification of the board of natural scientists to include geologists and other natural scientists.
 10, am 178-180, psd 207, conc H am 992, enr 1180 (Chapter 237)
- SB 381-FN-A**, relative to an increase in the AFDC standard of need and making an appropriation therefor. (McLane et al - To Public Institutions/Health and Human Services)
 10, K 127
- SB 382-FN-A**, relative to the emergency assistance program for AFDC recipients and making an appropriation therefor. (McLane et al - To Public Institutions/Health and Human Services)
 10, am & Finance 127-128, K 227
- SB 383-FN**, relative to a vocational center in Claremont. (Disnard - To Education)
 10, am 56, psd 63, H conc 967, enr 998 (Chapter 156)
- SB 384-FN-A**, relative to medical examiners and making an appropriation therefor. (Hough et al - To Internal Affairs)
 11, am & Finance 102-103, psd 227, 272, nonconc H am, conf 1006, 1114, rep adop 1164-1165, enr 1268 (Chapter 238)
- SB 385-FN**, authorizing the department of safety to perform DWI chemical testing. (Podles et al - To Transportation)
 11, K 62
- SB 386**, relative to the town of Lincoln's water supply. (King et al - To Development, Recreation and Environment)
First new title: relative to the use of public water by the town of Lincoln and by Loon Mountain Recreation Corporation.
Second new title: relative to a public trust grant for the town of Lincoln's water supply and Loon Mountain Recreation Corporation's snowmaking.
 11, am 209-211, psd 272, conc H am 991, enr 1180 (Chapter 239)

- SB 387**, relative to insurance of accounts. (Blaisdell - To Banks)
New title: relative to insurance of accounts, interstate banking, and other matters regarding financial institutions.
 11, am 164-172, psd 207, conc H am 963, enr 999 (Chapter 115)
- SB 388**, relative to ski patrol personnel qualifications and licensing. (Currier - To Executive Departments)
New title: relative to providers of emergency medical services and ski patrol personnel qualifications and licensing.
 11, am 151-152, psd 160, conc H am 962-963, enr 998 (Chapter 157)
- SB 389**, relative to non-privileged communications in marital mediation proceedings. (Nelson et al - To Judiciary)
 11, am 187-188, psd 208, H conc 839, enr 964 (Chapter 91)
- SB 390**, relative to laws regarding abuse and neglect of children. (Podles et al - To Judiciary)
 11, am 203-205, psd 208, nonconc H am, conf 1006, 1114, rep adop 1172-1173, enr 1271 (Chapter 240)
- SB 391-FN**, relative to confidential communications between certain victims and counselors. (Krasker et al - To Judiciary)
New title: relative to confidential communications between certain victims and counselors and relative to domestic violence.
 11, psd 418, 426, nonconc H am, conf 987-988, 1004, rep adop 1165, enr 1269 (Chapter 241)
- SB 392-FN**, relative to the Spaulding Turnpike. (Dupont and Torr - To Capital Budget)
 11, psd 148-149, 160, H conc 1003, enr 1180 (Chapter 242)
- SB 393-FN-A**, relative to recycling and establishing a recycling fund and continually appropriating the fund for recycling and waste disposal purposes. (Podles - To Development, Recreation and Environment)
 11, K 90
- SB 394-FN**, relative to non-recurring adoption expenses and foreign adoptions. (Roberge et al - To Public Institutions/Health and Human Services)
 11, Finance 87-88, K 227
- SB 395-FN**, establishing a committee to study the loss of property tax revenue in cities and towns with tax-exempt institutions. (King et al - To Ways and Means)
 11, K 158
- SB 396-FN**, relative to drivers' license suspensions for drug offenses. (Roberge et al - To Transportation)
 12, psd 137, 143, H nonconc 841
- SB 397-FN**, relative to drug testing of drivers and adult pedestrians involved in fatal accidents. (Roberge et al - To Transportation)
New title: relative to drug testing of drivers and adult pedestrians involved in fatal accidents or incurring serious bodily injury.
 12, psd 137-138, 143, nonconc H am, conf 962, 1004, rep adop 1173-1174, enr 1268 (Chapter 243)
- SB 398**, relative to the east-west highway study. (Dupont et al - To Capital Budget)
 12, am 149-151, psd 160, nonconc H am, conf 1007, 1114, rep adop 1174-1175, enr 1268 (Chapter 244)
- SB 399-FN**, lowering the level from .10 to .08 for legal intoxication under the DWI laws. (Roberge et al - To Transportation)
 12, LT 138-139, 542, K 545
- SB 400-A**, increasing the appropriation for constructing regional vocational education centers. (Disnard et al - To Education)
 12, Finance 56-60, psd 227-228, 273, H conc 637, enr am 963, enr 998 (Chapter 158)
- SB 401-FN**, relative to fines imposed for DWI. (Roberge et al - To Transportation)
 12, psd 139, 143, nonconc H am, conf 1004-1005, recon, conc H am 1064, enr 1180 (Chapter 245)

- SB 402-FN-A**, reinstating certain positions in the insurance department and making an appropriation therefor. (Delahunty et al - To Internal Affairs)
New title: relative to certain positions in the insurance department and making appropriations therefor.
 12, psd 79, 88, conc H am 963, enr am 1119, enr 1181 (Chapter 246)
- SB 403-FN**, relative to a health insurance risk pool for uninsurables. (Delahunty and Rep. Fraser of Mer. 6 - To Insurance)
New title: establishing a committee to study the feasibility of a health insurance risk pool for uninsurables.
 12, am 182-184, psd 207, conc H am 991, enr 1119 (Chapter 159)
- SB 404-FN**, establishing a household hazardous waste management program. (Podles - To Development, Recreation and Environment)
 12, K 90-91
- SB 405-FN**, relative to accounting procedures and risk retention of insurance companies. (Delahunty and Rep. Fraser of Mer. 6 - To Interstate Cooperation)
 12, psd 80-81, 88, H conc 840, enr 964 (Chapter 92)
- SB 406-FN**, relative to creditable service for retirement purposes for teachers who job share. (Torr et al - To Insurance)
 12, am 98-99, psd 143, nonconc H am, conf 1005, 1118, rep adop (K) 1175
- SB 407-FN**, to establish the salary and retirement eligibility of the director of the police standards and training council. (Dupont - To Internal Affairs)
New title: relative to the retirement eligibility of the director of the police standards and training council.
 12, am 79-80, psd 88, H nonconc 1003-1004
- SB 408-FN**, relative to alcohol offenses, transporting alcoholic beverages, and children in need of services. (Podles - To Judiciary)
 13, study 83
- SB 409-FN**, relative to school attendance as a condition of issuance of drivers' licenses to minors. (Delahunty et al - To Education)
 13, am 91-94, psd 143, H study 1066
- SB 410-FN**, relative to display of materials which are harmful to minors. (Roberge - To Judiciary)
 13, am 188-190, psd 208, H nonconc 841
- SB 411-FN**, to establish a committee to study the economic impact of state-mandated programs on municipalities, school districts, and counties. (King et al - To Internal Affairs)
 14, K 186-187

SENATE JOINT RESOLUTION

- SJR 1**, naming the Kenneth M. Tarr Health Care Facilities. (McLane and Rep. LaMott of Graf. 5 - To Public Affairs)
 13, adop 126-127, 143, H conc 430, enr 579 (Chapter 11)

SENATE CONCURRENT RESOLUTIONS

- SCR 1**, requesting the teaching of the nation's founding and related documents in New Hampshire public high schools. (Heath - To Education)
New Title: requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools.
 13, am 175-177, adop 207, H nonconc 967
- SCR 2**, urging that Fast Day be treated as "I Love New Hampshire Day". (St. Jean and Charbonneau - To Public Affairs)
 13, K 191-192

SENATE RESOLUTIONS

- SR 1**, relative to the Portsmouth naval shipyard. (Dupont)
intro & adop 64-67
- SR 2**, requesting the United States Congress to amend the the United States Constitution to prohibit flag desecration. (Stephen)
intro & adop 580-581
- SR 3**, relative to Lithuania. (Charbonneau)
intro & LT 924-925, adop 1217-1218
- SR 4**, relative to reduced defense spending and concern for the New Hampshire economy. (McLane)
intro & adop 1002-1003
- SR 5**, to make New Hampshire a safer, more supportive environment for mothers, fathers, and children. (Johnson)
intro & adop 926-927, 940
- SR 6**, recognizing the County Police Assistance Network. (Johnson)
intro & adop 1000-1002
- SR 7**, remembering the Armenian genocide of 1915-1923. (Stephen)
intro & adop 1121-1122
- SR 8**, requesting the teaching of the founding of the state and the nation and related documents in New Hampshire public high schools. (Heath)
intro & adop 1175-1177

HOUSE BILLS

1989 BILLS RE-REFERRED TO COMMITTEE

- HB 95-FN**, relative to eligibility criteria for AFDC recipients. (Public Institutions/Health & Human Services)
275, psd 567-568, 579, enr am 636, enr 935 (Chapter 45)
- HB 108-FN**, licensing massage practitioners and massage establishments. (Executive Departments)
16, psd 215-217, 272, enr am 544, enr 579 (Chapter 12)
- HB 139-FN-A**, relative to mediation of special education disputes and making an appropriation therefor. (Education)
First new title: relative to creditable service for teachers who job share, and relative to mediation of special education disputes and to individualized education plans and making an appropriation therefor.
Second new title: relative to creditable service for teachers who job share, mediation of special education disputes, individualized education plans, and making an appropriation therefor, establishing a study committee and making certain supplemental appropriations.
274, rcmt 643, am & Finance 694-699, am 1024-1026, rules suspended & psd 1026, H nonconc, conf 1113, rep adop 1238-1241, 1242, enr am 1258, enr 1272 (Chapter 162)
- HB 149-FN**, relative to operational permits for public water systems and relative to classified positions in the division of water supply and pollution control. (Development, Recreation & Environment)
New title: relative to operational permits for public water systems, relative to classified positions in the division of water supply and pollution control, and creating a new PAU.
15, am & Finance 553-554, am 1026-1029, rules suspended & psd 1045, H nonconc, conf 1117, rep adop 1129-1131, 1178, enr am 1253-1254, enr 1271 (Chapter 163)
- HB 220-FN**, relative to managing tax supported state debt. (Ways & Means)
275, K 753
- HB 250-FN**, relative to the classified personnel system. (Senate Re-referred - Executive Departments)
am & Finance 18-30, LT 218

- HB 266-FN**, requiring employers to offer health benefits to part-time employees. (Insurance)
162, K 707
- HB 348-FN**, relative to damages from construction. (Judiciary)
16, am 416-418, psd 426, H nonconc. conf 990, rep adop 1131-1133, 1242, enr 1270 (Chapter 164)
- HB 350-FN**, relative to the unclassified personnel system and making an appropriation for a consultant fee. (Senate Re-referred - Executive Departments)
am & Finance 30-46, LT 218
- HB 355**, relative to the African Development Bank. (Banks)
15, psd 553, 579, enr 638 (Chapter 21)
- HB 363-FN**, relative to the issuing of trapping licenses. (Development, Recreation and Environment)
16, am 555-557, psd 579, recon & am 582-583, psd 596, H nonconc, conf 989, rep adop 1178-1179, 1244, enr 1270 (Chapter 165)
- HB 381-FN**, requiring the state to fully fund costs to political subdivisions resulting from executive department rules regarding local programs.
suspension of rules for intro rej 780-782
- HB 382-FN-A**, to establish a procedure to assess earth products for real estate taxation purposes. (Development, Recreation and Environment)
15, study 587-588
- HB 390-FN-A**, relative to the New Hampshire retirement system investment practices. (Insurance)
275, am 650-652, psd 679, H conc 941, enr 1119 (Chapter 117)
- HB 393-FN**, requiring the state of New Hampshire to make timely payments on its contracts. (Finance)
16, K 949-952
- HB 409-FN**, relative to licensing professional foresters. (Development, Recreation and Environment)
275, am 782-792, psd 837, H nonconc, conf 1073, rep adop 1133-1135, 1178, enr am 1253, enr 1271 (Chapter 166)
- HB 424-FN-A**, relative to enhanced family care facilities and making an appropriation therefor. (Public Institutions/Health and Human Services)
274, am & Finance 673, K 968
- HB 430-FN**, relative to certification for real estate appraisers. (Internal Affairs)
New title: relative to certification for real estate appraisers and making an appropriation therefor.
274, continued 702-704, am & Finance 738-749, am 1029-1043, rules suspended & psd 1045, H nonconc, conf 1117, rep adop 1188-1189, 1244, enr am 1253, enr 1271 (Chapter 167)
- HB 442-FN-A**, establishing a lakes management and protection program. (Development, Recreation and Environment)
275, am 792, psd 837, H conc 992, enr 1119 (Chapter 118)
- HB 490**, establishing a speed limit on a portion of the Connecticut River and relative to ski craft hearings. (Development, Recreation and Environment)
New title: establishing a speed limit on a portion of the Connecticut River.
15, am 557-558, psd 579, H conc 840, enr 998 (Chapter 93)
- HB 514**, relative to rulemaking authority of the director, division of public health services. (Interstate Cooperation)
16, LT 825, am 934-935, psd 940, H conc 993, enr 1179 (Chapter 168)
- HB 519-FN**, relative to minimum standards for modular buildings. (Public Institutions/Health & Human Services)
16, Finance 568-570, psd 952, 966, enr am 1118-1119, enr 1181 (Chapter 169)

- HB 530-FN**, creating a legislative oversight committee to ensure that state agencies cooperate to meet the plans of the federal drug war. (Interstate Cooperation)
15, am 412-413, psd 425, H conc 637, enr 776 (Chapter 46)
- HB 552-FN**, relative to assessment of conservation lands. (Internal Affairs)
16, psd 412, 425, enr 578 (Chapter 13)
- HB 562-FN**, making technical changes in the election laws. (Senate Re-referred - Public Affairs)
am 46-54, psd 63, H conc 840, enr 1119 (Chapter 119)
- HB 563**, relative to land surveyors and condominiums. (Executive Departments)
15, psd 217-218, 272, enr 544 (Chapter 6)
- HB 567-FN**, relative to expenditure of excess moneys by school districts. (Ways & Means)
275, K 595
- HB 575-FN**, relative to campaign financing. (Public Affairs)
16, am 192-201, psd 208, H nonconc, conf 991, K 1250
- HB 591-FN**, requiring grocery stores to mark each packaged item offered for sale with a price. (Interstate Cooperation)
274, am 658-659, psd 679, H conc 967-968, enr 998 (Chapter 120)
- HB 596-FN**, limiting personal liability of certain fire department, emergency service, and rescue squad members. (Judiciary)
15, psd 418-419, 426, enr 578 (Chapter 14)
- HB 612-FN**, establishing a committee to study nursing home care costs paid by counties. (Public Institutions/Health & Human Services)
15, K 205-206
- HB 631-FN**, relative to railroad consolidation with other public utilities or common carriers. (Transportation)
15, K 573
- HB 639-FN**, relative to the disposition of acquired or abandoned rail properties. (Capital Budget)
15, am 583-585, psd 596, H conc 840, enr 998 (Chapter 94)
- HB 670-FN**, relative to public accommodation of physically handicapped persons. (Public Affairs)
16, am 898-899, psd 939, H conc 993, enr am 1183, enr 1267 (Chapter 170)
- HB 674-FN**, relative to the Catastrophic Aid Act. (Public Institutions/Health & Human Services)
16, psd 258, 273, enr 544 (Chapter 7)
- HB 685-FN**, relative to tenant evictions. (Public Affairs)
15, LT 201-202, rcmt 635-636, am 899-900, psd 939, H nonconc, conf 1073, K 1250
- HB 690**, relative to surplus funds and expenditures by candidates. (Public Affairs)
162, LT 667, 1111, K 1250
- HB 700-FN**, imposing minimum mandatory sentences for felonious use of firearms. (Judiciary)
274, am 623, psd 640, H conc 840, enr 998 (Chapter 95)
- HB 705-FN**, relative to drug-free school zones and making an appropriation therefor. (Judiciary)
New title: relative to drug-free school zones and making appropriations therefor.
275, am & Finance 623-624, am 968-972, psd 999, H nonconc, conf 1068, K 1250
- HB 716**, to codify certain boating and water safety rules. (Development, Recreation and Environment)
16, am 641-642, psd 679, H conc 993, enr am 1184, enr 1269 (Chapter 171)

- HB 723-FN**, regarding the acid rain control act. (Development, Recreation and Environment)
16, am 792-793, psd 837, H conc 993, enr 1266 (Chapter 172)
- HB 725-FN**, relative to the highway fund. (Capital Budget)
274, K 942
- HB 730-FN**, relative to local cease and desist orders for zoning, planning and code violations. (Public Affairs)
16, K 202
- HB 731**, dedicating the state police barracks in Milford. (Capital Budget)
First new title: rededicating the state police barracks in Epping.
Second new title: relative to a state police barracks honor roll.
16, am 585-586, psd 596, H nonconc, conf 988-989, rep adop 1214-1215, 1243, enr am 1252-1253, enr 1272 (Chapter 173)
- HB 745-FN**, relative to the hazardous material transportation advisory board. (Transportation)
16, am 422-423, psd 426, H conc 637, enr 776 (Chapter 47)
- HB 746-FN**, establishing a task force relative to reducing and recycling the solid waste stream and commissioning a study on solid waste fees. (Development, Recreation and Environment)
16, psd 284, 425, enr 578 (Chapter 15)
- HB 756-FN**, relative to cluster development and multi-family dwellings. (Public Affairs)
16, am 202-203, psd 208, H nonconc, conf 990-991, rep adop 1136, 1178, enr am 1252, enr 1271 (Chapter 174)
- HB 759-FN**, relative to electronic surveillance in drug investigations. (Judiciary)
16, psd 659, 679, enr 999 (Chapter 96)

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- HB 1001-FN**, increasing agent fees for fish and game licenses. (Development, Recreation and Environment)
144, am 558-559, psd 579, H conc 637, enr 777 (Chapter 48)
- HB 1003**, relative to prima facie speed limits on local roads. (Transportation)
546, am 634, psd 640, H conc 840, enr 964 (Chapter 74)
- HB 1004-FN**, relative to the tax abatement procedure. (Public Affairs)
144, am 420-421, psd 426, H conc 637, enr 777 (Chapter 49)
- HB 1013**, reviving the charter of the New Hampshire Karting Association. (Public Affairs)
New title: reviving the charters of the New Hampshire Karting Association and Loctite Luminescent Systems, Inc. and relating to powers of the New Hampshire Historical Society.
162, am 725-726, psd 779, H conc 941, enr 998 (Chapter 121)
- HB 1015**, prohibiting the use of petroleum-powered motors on Tewksbury Pond in the town of Grafton. (Development, Recreation and Environment)
First new title: prohibiting the use of petroleum powered motors on Tewksbury Pond in the town of Grafton and limiting the horsepower of petroleum powered motors on Lake Katherine in the town of Piermont.
Second new title: relative to operation of seaplanes and helicopters
546, am 793-794, psd 837, H nonconc, conf 1072, rep adop 1189, 1244, enr am 1266, enr 1269 (Chapter 175)
- HB 1016**, relative to altering municipal highway classifications. (Capital Budget)
276, am 586, psd 596, H conc 840, enr 999 (Chapter 97)
- HB 1017-FN**, relative to vendor check cashing policies. (Banks)
546, K 631

- HB 1018-FN**, relative to the penalties for bail jumping. (Judiciary)
546, psd 624, 640, enr 777 (Chapter 50)
- HB 1020**, relative to motors and horsepower of motors on Elbow Pond in the town of Andover. (Transportation)
New title: relative to motors and horsepower on Lake Katherine in the town of Piermont.
276, am 634-635, psd 640, H nonconc, conf 989, rep adop 1136, 1178, enr am 1266, enr 1272 (Chapter 176)
- HB 1025**, relative to limited liability for volunteers. (Judiciary)
429, psd 885, 939, enr 996 (Chapter 116)
- HB 1026**, relative to the definition of public access to public waters. (Development, Recreation and Environment)
163, am 794-795, psd 837, H nonconc, conf 1069, rep adop 1137-1138, 1242, enr 1267 (Chapter 177)
- HB 1027-FN**, establishing a black bear management program and requiring a special bear license. (Development, Recreation, and Environment)
New title: establishing a black bear management program and requiring a special bear license, and relative to the rules regarding taking of marine species.
546, am & Finance 680-681, am 958-960, psd 966, H nonconc, conf 1069-1070, rep adop 1138, 1178, enr 1269 (Chapter 178)
- HB 1028**, relative to the number of events at which a club may serve liquor in a year. (Internal Affairs)
163, am 621-622, psd 640, H nonconc, conf 1067, rep adop 1138-1139, 1242, enr 1267 (Chapter 179)
- HB 1029**, relative to the sale of venison by licensed propagators. (Development, Recreation and Environment)
426, psd 681, 779, enr 935 (Chapter 51)
- HB 1030**, relative to cease and desist orders issued by the director of the division of forests and lands. (Development, Recreation and Environment)
276, psd 588, 596, enr 638 (Chapter 29)
- HB 1033**, relative to fishing in the Connecticut River. (Development, Recreation and Environment)
161, psd 588, 596, enr 638 (Chapter 30)
- HB 1034**, exempting persons permitted to engage in falconry from the importation permit requirement. (Development, Recreation and Environment)
163, psd 851-852, 939, enr 997 (Chapter 122)
- HB 1035**, relative to biennial fish and game hearings. (Development, Recreation and Environment)
274, psd 588, 596, enr 638 (Chapter 31)
- HB 1036-FN**, relative to nonresident and resident wholesale marine species licenses. (Development, Recreation and Environment)
274, psd 589, 596, enr 638 (Chapter 32)
- HB 1038-FN**, relative to revenue raising measures and certain appropriations. (Ways & Means)
427, psd 460-470, enr 545 (Chapter 8)
- HB 1039-FN-A**, relative to a bingo fee. (Ways & Means)
427, Finance 753, psd 952-956, 966, enr 998 (Chapter 123)
- HB 1040-FN**, relative to civil and criminal penalties in the safe drinking water act. (Development, Recreation and Environment)
161, psd 589, 596, enr 638 (Chapter 33)
- HB 1044**, relative to fees of justices of the peace and notaries public. (Public Affairs)
161, psd 421, 426, enr 578 (Chapter 16)

- HB 1046**, relative to the declaration of purpose for the planning and zoning laws. (Public Affairs)
429, am 901-902, psd 939, H nonconc, conf 1070, rep adop 1139-1140, 1242, enr 1270 (Chapter 180)
- HB 1047**, establishing a commission with the state of Maine on Lake Umbagog. (Interstate Cooperation)
274, psd 825-826, 838, enr 964 (Chapter 75)
- HB 1048-FN**, relative to rabies control of dogs. (Executive Departments)
144, psd 292-293, 425, enr 578 (Chapter 17)
- HB 1049-FN**, relative to fishing licenses for non-institutionalized developmentally disabled persons. (Development, Recreation and Environment)
163, psd 609, 639, enr 777 (Chapter 52)
- HB 1050-FN**, relative to "junk fax". (Public Affairs)
546, psd 603-605, 639, recon notice 640, recon & study 775-776
- HB 1052**, authorizing withdrawal of water from Lake Sunapee and Echo Lake for ski resorts. (Development, Recreation and Environment)
New title: relative to a public trust grant for Mount Sunapee and Cannon Mountain ski resorts' snowmaking.
546, am 795-797, psd 837, H conc 992, enr 998 (Chapter 124)
- HB 1053**, relative to the patients' bill of rights. (Public Institutions/Health & Human Services)
163, psd 422, 426, enr 578 (Chapter 18)
- HB 1054**, relative to memorials for veterans. (Public Affairs)
New title: relative to memorials for veterans and relative to the real estate exemption for surviving spouses of veterans.
274, am 726-728, psd 779, H conc 941, enr 1120 (Chapter 125)
- HB 1057-FN-A**, relative to a fee for lucky 7 tickets. (Ways & Means)
427, am & Finance 753-754, am 956-957, psd 966, H conc 1007, enr 1266 (Chapter 181)
- HB 1058-FN-A**, regarding restoration and preservation of state historic flags and making an appropriation therefor. (Executive Departments)
546, psd 591-592, 597, enr 638 (Chapter 34)
- HB 1060-FN**, establishing a committee to study medical injury compensation and discipline of physicians. (Judiciary)
547, am 885-886, psd 939, H nonconc, conf 1068, rep adop 1140-1141, 1178, enr 1267 (Chapter 182)
- HB 1062**, relative to record books kept by registers of deeds. (Executive Departments)
New title: relative to record books kept by the registers of deeds and relative to the relinquishment of any rights of the state in certain real property owned by Winconia, Inc. in Laconia, New Hampshire.
274, am 863-866, psd 939, H nonconc, conf 1069, rep adop 1190-1191, 1244, enr 1270 (Chapter 183)
- HB 1066-FN**, relative to the operation of bingo games. (Ways & Means)
274, psd 595, 597, enr 638 (Chapter 35)
- HB 1068**, relative to the regulation of agricultural, vegetable, flower, tree and shrub seeds. (Development, Recreation and Environment)
426, psd 681-682, 779, enr 1120 (Chapter 126)
- HB 1069-FN**, relative to the dig-safe law. (Internal Affairs)
163, am 704-705, psd 779, H conc 941, enr 996 (Chapter 98)
- HB 1070-FN-A**, relative to the data processing and computer management study committee and making an appropriation therefor. (Internal Affairs)
547, am & Finance 705-706, am 1043-1045, rules suspended & psd 1045-1046, H nonconc, conf 1113, rep adop 1141-1142, 1178, enr 1269 (Chapter 184)

- HB 1072-FN**, relative to administrative penalties for violations of securities laws and to show cause orders issued by the director of the office of securities regulation. (Insurance)
163, psd 806, 837, enr 963 (Chapter 76)
- HB 1073**, relative to sales representatives' contracts. (Executive Departments)
276, rcmt 645, am 866, psd 939, H conc 993, enr 1180 (Chapter 185)
- HB 1074**, relative to annual audits of consumer cooperative associations. (Public Affairs)
547, psd 826, 838, enr 964 (Chapter 77)
- HB 1075**, relative to location of court hearings in abuse or neglect cases. (Judiciary)
161, am 564, psd 579, H conc 637, enr 777 (Chapter 53)
- HB 1078**, relative to the authority of the Gunstock Area to use borrowed money for capital improvements. (Capital Budget)
276, am 942-944, psd 966, H conc 993, enr 1119 (Chapter 127)
- HB 1081**, relative to the membership of the fish and game commission. (Development, Recreation and Environment)
144, am 559, psd 579, H conc 840, enr 964 (Chapter 78)
- HB 1082-FN-A**, making an appropriation to the Wallop-Breaux fund. (Finance)
274, psd 952, 966, enr 998 (Chapter 128)
- HB 1083**, establishing speed limits for the operation of OHRVs. (Transportation)
New title: establishing speed limits for the operation of OHRVs and increasing OHRV registration fees.
547, LT 593, am 769-772, psd 779, recon notice 782, recon & Finance 836, am 1046-1048, rules suspended & psd 1050, H nonconc, conf 1113, rep adop 1142-1143, 1178, enr am 1252, enr 1272 (Chapter 186)
- HB 1084-FN**, relative to continuing care communities. (Public Institutions/Health & Human Services)
547, psd 592, 597, enr 638 (Chapter 36)
- HB 1092-FN**, relative to equity sharing in low and moderate income housing and reverse equity loans. (Banks)
New title: relative to low and moderate income housing, equity sharing, and reverse equity loans.
429, am 631-633, psd 640, H conc 993, enr 1179 (Chapter 187)
- HB 1096-FN**, establishing a committee to study the feasibility of developing a statewide trauma care system. (Public Institutions/Health & Human Services)
427, am 730-731, psd 779, H conc 941, enr 996 (Chapter 99)
- HB 1097**, legalizing actions taken on a warrant article at the March 14, 1989 Pembroke school district meeting, and relative to the collection of the town portion of taxes in the town of Hooksett. (Public Affairs)
First new title: relative to legalizing actions taken at town and school district meetings and to the collection of the town portion of taxes in the town of Hooksett.
Second new title: legalizing actions taken at town, school district and district meetings, and relative to the collection of the town portion of taxes in the town of Hooksett.
429, am 605-608, psd 639, H nonconc, conf 1070, rep adop 1143, 1249, enr am 1260, enr 1269 (Chapter 188)
- HB 1099**, relative to controlled drugs and pharmacy licensing. (Internal Affairs)
163, am 819-820, psd 838, H conc 992, enr 998 (Chapter 129)
- HB 1100**, relative to the time for submitting proposed zoning ordinance amendments to the town clerk. (Public Affairs)
429, psd 608-609, 639, enr 777 (Chapter 54)
- HB 1102-FN**, relative to Route 16 in Conway. (Capital Budget)
429, am 944-945, psd 966, recon notice 968, H conc 1114, enr 1267 (Chapter 189)
- HB 1103-FN**, relative to the regional fuel tax agreement. (Transportation)
145, rcmt 573, am 868-869, psd 939, H nonconc, conf 1072, rep adop 1144, 1249, enr 1270 (Chapter 190)

- HB 1104**, relative to the motor vehicle laws. (Transportation)
163, am 573-575, psd 580, H conc 840, enr 964 (Chapter 79)
- HB 1106-FN**, clarifying the applicability of post-licensing provisions to issuer-dealers, the applicability of examination fees to all security issues, and the form of required legend with respect to public and private offerings. (Insurance)
547, psd 806-807, 838, enr 996 (Chapter 100)
- HB 1107-FN**, relative to the 2-year statute of limitations on actions to recover pecuniary penalties and forfeitures and authorizing interception of wire or oral communications regarding solid and hazardous waste violations and regarding securities fraud. (Judiciary)
547, am 887-888, psd 939, H nonconc, conf 1073, rep adop 1144-1146, 1249, enr 1267 (Chapter 191)
- HB 1108-FN**, establishing a committee to study child care in public and private sector buildings. (Public Institutions/Health and Human Services)
274, am 570-571, psd 579, H conc 637, enr 777 (Chapter 55)
- HB 1110**, relative to the election of Sullivan and Belknap County commissioners. (Public Affairs)
274, psd 668, 679, enr 935 (Chapter 56)
- HB 1111**, allowing certain capital improvements for energy and water conservation to be included in the rates of a utility. (Internal Affairs)
429, am 820-821, psd 838, H conc 992, enr 998 (Chapter 130)
- HB 1112**, relative to the number of registered voters necessary to petition for an article on a town meeting warrant. (Public Affairs)
New title: relative to the number of registered voters necessary to petition for an article on a town meeting warrant and removing the requirement that a town have a population of 5000 or more to elect a board of selectmen of 5 members.
427, am 668-669, psd 679, H conc 993, enr 1179 (Chapter 192)
- HB 1114-FN-A**, relative to a study of care of the elderly and making an appropriation for meals on wheels. (Public Institutions/Health & Human Services)
New title: relative to a study of care of the elderly and making an appropriation for meals on wheels, relative to the department of health and human services, and relative to certain food service establishments.
547, Finance 593, am 972-976, psd 999, H nonconc, conf 1068, rep adop 1191-1192, 1244, enr 1268 (Chapter 193)
- HB 1116**, relative to notice of lienholders of termination of tenancy of a manufactured housing owner. (Public Affairs)
276, psd 669-670, 679, enr 935 (Chapter 57)
- HB 1117**, relative to children attending camp facilities. (Public Institutions/Health & Human Services)
547, psd 908, 940, enr 996 (Chapter 102)
- HB 1118**, relative to the disabled. (Public Institutions/Health & Human Services)
547, psd 908-910, 940, enr 997 (Chapter 131)
- HB 1120**, relative to notice of insurance cancellation. (Insurance)
547, am 807-812, psd 838, recon notice 841, recon & am 937-938, psd 940, H nonconc, conf 1068-1069, rep adop 1192-1194, 1244, enr 1268 (Chapter 194)
- HB 1122-FN**, establishing a study committee on the best use of the Kona Wildlife Area in the town of Moultonborough. (Development, Recreation and Environment)
427, am 797-800, psd 837, H conc 992, enr 998 (Chapter 132)
- HB 1128-FN**, requiring licensure of out-of-state mail order pharmacies. (Public Institutions/Health & Human Services)
547, study 828

- HB 1129-FN-A**, authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor. (Development, Recreation and Environment)
First new title: authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to a town annexation procedure, relative to the waste management council, and relative to toxics in packaging.
Second new title: authorizing the department of environmental services to clean up the Gilson Road waste site and making an appropriation therefor, relative to the waste management council, and relative to toxics in packaging.
547, Finance 610, am & LT 976-979, am 1102-1111, rules suspended & psd 1111-1112, H conc 1177-1178, enr am 1255, enr 1271 (Chapter 195)
- HB 1133-FN**, relative to the executive secretary of the New Hampshire pharmacy board. (Executive Departments)
145, K 645-646
- HB 1136**, relative to filing of annual reports with the secretary of state. (Public Affairs)
145, psd 421, 426, recon & am 581-582, psd 596, H conc 840, enr 997 (Chapter 103)
- HB 1137**, relative to condominium law. (Public Affairs)
429, psd 826-827, 838, enr 964 (Chapter 80)
- HB 1138**, to change the formula for the distribution of highway funds in the Woodsville Fire District. (Capital Budget)
427, psd 586, 596, enr 638 (Chapter 37)
- HB 1140**, relative to the selectmen of towns. (Public Affairs)
276, K 609
- HB 1143**, relative to registration and operation of OHRVs. (Transportation)
547, psd 869, 939, enr 1120 (Chapter 133)
- HB 1146-FN**, relative to confidential information concerning a child who is subject to placement with persons or agencies. (Public Institutions/ Health & Human Services)
163, psd 422, 426, enr 578 (Chapter 19)
- HB 1149-FN**, relative to expending national forest reserve funds in unincorporated towns and unorganized places. (Public Affairs)
161, psd 421-422, 426, enr 579 (Chapter 20)
- HB 1150-FN**, relative to the oil pollution control fund. (Development, Recreation and Environment)
145, am 800-801, psd 837, H conc 993, enr 1267 (Chapter 196)
- HB 1151-FN**, requiring certification of wastewater treatment plant operators. (Development, Recreation and Environment)
New title: requiring certification of wastewater treatment plant operators and reinstating the charter of Manchester Marine, Inc.
145, rules suspended & Finance 693-694, psd 957, recon & am 965, psd 966, H conc 993, enr am 1184, enr 1268 (Chapter 197)
- HB 1152**, relative to confidentiality of information regarding videotape rentals. (Internal Affairs)
547, am 821-822, psd 838, H conc 992, enr 997 (Chapter 134)
- HB 1153**, adding a name for purposes of workers' compensation and for professional standards review organizations and relative to the minimum wage law. (Insurance)
548, am 812-813, psd 838, H conc 993, enr 1179 (Chapter 198)
- HB 1156**, relative to the order of the placement of candidates' names on ballots. (Public Affairs)
548, K 827
- HB 1157-FN**, relative to capital murder. (Judiciary)
548, am 888-890, psd 939, H conc 993, enr 998 (Chapter 199)

- HB 1158-FN**, relative to protecting the United States flag from desecration when it is properly displayed on public or private property. (Judiciary)
161, LT 564, am 766-767, psd 779, H conc 992, enr 998 (Chapter 135)
- HB 1159**, repealing statutes inconsistent with the New Hampshire Rules of Civil Procedure. (Judiciary)
145, psd 565, 579, enr 638 (Chapter 22)
- HB 1161**, granting the director of the office of securities regulation rulemaking authority to require surety bonds of more than \$25,000 from broker-dealers, agents and investment advisors. (Executive Departments)
548, psd 646, 679, enr 935 (Chapter 58)
- HB 1162-A**, relative to the railroad banking program. (Transportation)
New title: relative to abandoning and disposing of rail properties, relative to the railroad banking program and making an appropriation therefor, and relative to suspension and revocation of licenses for certain motor vehicle offenses and creating a supplemental fund.
548, am 830-836, psd 838, H nonconc, conf 1070, rep adop 1194-1197, 1244, enr am 1251-1252, enr 1271 (Chapter 200)
- HB 1163**, raising the amount of property damage to be reported in a motor vehicle accident. (Transportation)
163, am 575-577, psd 580, H conc 840, enr 964 (Chapter 81)
- HB 1169-FN**, establishing a committee to study drug and alcohol testing in the workplace. (Public Institutions/Health & Human Services)
427, am 731-732, psd 779, H conc 941, enr 997 (Chapter 104)
- HB 1170-FN**, to increase the real estate transfer tax for the biennium ending June 30, 1991. (Ways & Means)
New title: to increase the real estate transfer tax for the biennium ending June 30, 1991.
428, am, rules suspended, recon rej & psd 470-471, H conc 544, enr 545 (Chapter 2)
- HB 1171-FN-A**, relative to the purchase of breath analyzer machines and making an appropriation therefor. (Finance)
548, psd 957-958, 966, enr 997 (Chapter 136)
- HB 1172-FN**, relative to the physical condition of drivers. (Transportation)
548, LT 593-594, 772-775, K 1250
- HB 1174-FN**, relative to laws regarding children and minors. (Public Institutions/Health & Human Services)
548, am 910-914, psd 940, H nonconc, conf 1070, rep adop 1197-1199, 1244, enr am 1255, enr 1272 (Chapter 201)
- HB 1175-FN**, establishing a committee to study choice in education. (Education)
163, am 643-645, psd 679, H conc 840, enr 964 (Chapter 82)
- HB 1178-FN-A**, relative to marital masters and making an appropriation therefor. (Finance)
548, am 1048-1049, rules suspended & psd 1050, H conc 1115, enr 1267 (Chapter 202)
- HB 1181-FN**, reassigning certain positions from the Nashua-Hudson circumferential highway toll plaza to the Bedford Road toll plaza. (Capital Budget)
275, am 945-946, psd 966, H nonconc, conf 1072, rep adop (K) 1199, 1244
- HB 1182-FN**, relative to expenditures by the public works bureau in excess of budget estimates and extending the lapse dates of certain appropriations. (Capital Budget)
First new title: relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, increasing the gasoline tax, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, requiring progress and status reports from the department of transportation and altering the effective dates of certain fee increases.

Second new title: relative to expenditures by the public works bureau in excess of budget estimates, extending the lapse dates of certain appropriations, making adjustments to certain capital projects' bond authorizations, allowing the port authority to conduct business with foreign countries and their port entities, altering the effective dates of certain fee increases, making certain appropriations, and relative to reassessments of property and class AA dams.

548, am 1008-1017, rules suspended & psd 1026, H nonconc, conf 1114, rep adop 1199-1200, rep rej H, new conf 1222, remarks 1228-1232, rep adop 1233-1238, 1242, enr am 1254-1255, enr 1271, H sustained veto 1273

HB 1183, relative to supervision of highway agents. (Capital Budget)
275, psd 586-587, 596, enr 638 (Chapter 38)

HB 1184, relative to housekeeping changes in RSAs relating to the department of transportation. (Capital Budget)
275, psd 587, 596, enr 638 (Chapter 39)

HB 1185, to reclassify portions of certain highways in the town of New Castle. (Capital Budget)
274, psd 587, 596, enr 639 (Chapter 40)

HB 1187, prohibiting certain items from being deposited in highway and department of resources and economic development litter receptacles. (Capital Budget)
275, psd 946, 966, enr 997 (Chapter 137)

HB 1189-FN, relative to reimbursement for acts which require public agency response services. (Judiciary)
429, am 659-660, psd 679, H conc 992, enr 997 (Chapter 138)

HB 1190-FN, creating a committee to establish a collecting and deaccessioning policy for the state of New Hampshire pertaining to historical objects. (Public Affairs)
163, psd 565, 579, enr 637 (Chapter 41)

HB 1191-FN-A, relative to creating a trust fund for New Hampshire heritage and making an appropriation therefor. (Executive Departments)
548, psd 592, 597, enr am 636, enr 935 (Chapter 59)

HB 1193-FN, relative to wage withholding. (Interstate Cooperation)
429, psd 917-924, 940, enr 998 (Chapter 139)

HB 1194-FN, relative to costs of court-ordered services for or placement of minors and children and relative to liability of expenses for minors and children. (Judiciary)
New title: relative to liability of expenses for minors and children.
548, Finance 660, am 1049-1050, rules suspended & psd 1050, H conc 1121, enr 1267 (Chapter 203)

HB 1195-FN, relative to seasonal beverage permits and certain privileges of club members. (Internal Affairs)
163, am 618-619, psd 639, H conc 993, enr am 1183, enr 1268 (Chapter 204)

HB 1196-FN, establishing a legislative study committee relative to wetlands board matters. (Development, Recreation and Environment)
New title: relative to sand dunes and establishing a study committee relative to wetland board matters.
548, am 610-612, psd 639, H conc 840, enr 964 (Chapter 83)

HB 1197, to identify individual contributors to political campaigns. (Public Affairs)
427, K 827-828

HB 1200-FN, to change the name of the governor's commission for the handicapped. (Executive Departments)
427, Finance 646-647, psd 958, 966, enr am 995, enr 1120 (Chapter 140)

HB 1204-FN, reinstating the corporate charter of the Waltham Screw Co. (Public Affairs)
New title: reinstating certain corporate charters.
163, am 565-567, psd 579, H nonconc, conf 990, rep adop 1146, 1249, enr 1270 (Chapter 205)

- HB 1208-FN**, reducing certain misdemeanors to violations. (Judiciary)
163, psd 624-625, 640, enr 777 (Chapter 60)
- HB 1216-FN**, relative to video tape depositions of children. (Judiciary)
New title: relative to depositions and videotape testimony.
548, am 890-892, psd 939, H conc 994, enr 1267 (Chapter 206)
- HB 1218-FN**, relative to defense and indemnification of bail commissioners. (Judiciary)
548, am 661, psd 679, H conc 941, enr am 1181-1183, enr 1269 (Chapter 207)
- HB 1219-FN**, relative to the oil discharge and disposal cleanup fund. (Development, Recreation and Environment)
163, am 801-802, psd 837, H conc 992, enr 997 (Chapter 141)
- HB 1222-FN**, relative to "first dollar" coverage of eligible expenses for oil discharge and disposal cleanup. (Development, Recreation and Environment)
548, am 802, psd 837, H conc 993, enr 1181 (Chapter 208)
- HB 1225-FN-A**, to define "retired state employee" for state employee group insurance purposes. (Insurance)
New title: to define "retired state employee" for state employee group insurance purposes and relative to requests for reclassification or reallocation.
549, am & Finance 707-708, am 1076-1080, rules suspended & psd 1100, H nonconc, conf 1115, rep adop 1241-1242, enr 1269 (Chapter 209)
- HB 1227-FN**, relative to local prevention programs and establishing a committee to initiate a statewide community-based plan for the prevention of child abuse and neglect. (Judiciary)
276, am 661-662, psd 679, H conc 992, enr 1120 (Chapter 142)
- HB 1228-FN**, relative to preparation of master jury lists by computer. (Judiciary)
New title: relative to preparation of master jury lists by computer and a pilot program utilizing the driver's license list for the purpose of preparing master jury lists.
164, am 625-626, psd 640, H nonconc, conf 989-990, rep adop 1146-1147, 1249, enr 1270 (Chapter 210)
- HB 1229-FN**, relative to organizational and personnel changes within the department of corrections. (Executive Department)
First new title: relative to the department of corrections, the parole board, court-ordered commitments, the liquor commission, and making an appropriation to the department of labor.
Second new title: relative to the department of corrections, the liquor commission, the pari-mutuel commission and making an appropriation to the department of labor.
549, am & Finance 699-700, am 1050-1053, rules suspended & psd 1058, H nonconc, conf 1116-1117, rep adop 1226-1228, 1242, enr am 1260, enr 1268 (Chapter 211)
- HB 1230-FN**, allowing Hart's Location to establish a school district. (Education)
161, psd 561, 579, enr 638 (Chapter 23)
- HB 1231-FN**, relative to the 10-year state highway plan and the governor's advisory commission on highways. (Capital Budget)
New title: relative to the priority of projects on New Hampshire Routes 101 and 51.
549, am 1018-1024, rules suspended & psd 1026, H nonconc, conf 1116, rep adop 1200-1202, 1243, enr 1268 (Chapter 160)
- HB 1234-FN**, relative to guardian's authority to admit to institutions. (Judiciary)
549, am 892-895, psd 939, H conc 994, enr 1267 (Chapter 212)
- HB 1236**, relative to the fish and game commission. (Development, Recreation and Environment)
161, K 852
- HB 1240-FN**, relative to the purchase and distribution of drugs for the control of infectious diseases. (Public Institutions/Health & Human Services)
427, psd 673-674, 680, enr 935 (Chapter 61)
- HB 1241**, relative to the observance of Memorial Day. (Public Affairs)
275, K 598-603

- HB 1244**, relative to municipal charters and to extending the time for the filing of a report by the municipal charter study committee. (Public Affairs)
429, study 902
- HB 1245-FN**, relative to the statute of limitations on prosecutions for sexual assault offenses against children. (Judiciary)
549, am 662-664, psd 679, H nonconc, conf 990, rep adop 1147-1148, 1243, enr 1271 (Chapter 213)
- HB 1248-FN**, relative to monitoring the reassessment of taxable property by the department of revenue administration. (Executive Departments)
429, rcmt 613, am & Finance 749-753, am 1053-1055, rules suspended & psd 1058, recon & am 1100-1102, rules suspended & psd 1111-1112, H nonconc, conf 1115-1116, rep adop 1148-1149, rep rej H, nonconc new conf req 1218-1219
- HB 1250-FN**, relative to employees of the dog and horse racing industry. (Insurance)
549, am & Finance 708-715, psd 960, 966, H nonconc, conf 1070-1071, rep adop 1202, 1243, enr 1268 (Chapter 214)
- HB 1252-FN**, to establish a revolving fund for publications and training in the department of environmental services. (Executive Departments)
549, am 700-702, psd 779, H nonconc, conf 1068, rep adop 1202-1203, 1243, enr 1269 (Chapter 215)
- HB 1254**, relative to smoking in laundromats and on buses. (Public Institutions/Health & Human Services)
549, psd & LT 914, K 1250
- HB 1256-FN**, permitting certain importers to transport liquor from warehouses directly to state liquor stores and private licensees. (Internal Affairs)
164, am 619-621, psd 640, H conc 993, enr am 1184, enr 1268 (Chapter 216)
- HB 1257**, relative to motor vehicle road tolls. (Transportation)
549, psd 594, 597, enr am 636, enr 935 (Chapter 62)
- HB 1258-FN**, establishing a New Hampshire clean lakes program. (Development, Recreation and Environment)
429, psd 682, recon & am 778, psd 779, H conc 941, enr 998 (Chapter 143)
- HB 1259-FN**, relative to the unclaimed and abandoned property act. (Public Affairs)
549, am 670-673, psd 679, H conc 941, enr 996 (Chapter 105)
- HB 1261-FN**, relative to data collection from ambulatory care facilities. (Public Institutions/Health & Human Services)
549, psd 732, 779, enr 935 (Chapter 63)
- HB 1262-FN**, relative to recording of ancient plats. (Public Affairs)
430, psd 609, 639, enr 777 (Chapter 64)
- HB 1264-FN**, creating jurisdiction in the district courts to issue injunctions against unauthorized lockouts, utility shutoffs, and property seizures. (Judiciary)
549, am 895-897, psd 939, H nonconc, conf 1071, rep adop 1149-1151, 1243, enr am 1260, enr 1269 (Chapter 218)
- HB 1270-FN**, relative to the enforcement of the hazardous waste laws. (Development, Recreation and Environment)
164, psd 612, 639, enr 777 (Chapter 65)
- HB 1274-FN**, renaming the Portsmouth district court building in honor of the late Justice Thomas E. Flynn. (Executive Departments)
276, psd 563-564, 579, enr 638 (Chapter 24)
- HB 1276**, relative to sales of motor vehicles. (Internal Affairs)
549, psd 822, 838, enr 964 (Chapter 84)
- HB 1278-FN**, relative to senior assistant attorneys general. (Executive Departments)
549, K 647-648

- HB 1281-FN**, establishing a study committee relative to women at risk for drug and alcohol abuse during pregnancy. (Public Institutions/Health & Human Services)
276, psd 571-572, 580, enr 638 (Chapter 25)
- HB 1282-FN**, relative to licensing of nondepository first mortgage bankers and brokers. (Banks)
549, psd 633-634, 640, enr 777 (Chapter 66)
- HB 1283-FN**, excluding the value of New Hampshire college savings bonds from a student's financial resources when determining need for an incentive grant. (Education)
164, psd 561-562, 579, enr 638 (Chapter 26)
- HB 1284**, relative to penalties of the weights and measures law and the inspectors and officials enforcing same. (Public Affairs)
549, am 902-903, psd 939, H conc 994, enr 1180 (Chapter 217)
- HB 1285**, relative to agricultural labor and unemployment compensation. (Executive Departments)
427, psd 866-867, 939, enr 996 (Chapter 106)
- HB 1286**, relative to special education. (Education)
164, K 645
- HB 1288-FN**, relative to the interstate agreement on qualification of educational personnel. (Education)
549, psd 591, 596, enr 639 (Chapter 42)
- HB 1289-FN**, relative to DWI offenses. (Judiciary)
New title: relative to DWI offenses and establishing a committee to study the elimination of the trial de novo system.
550, am 664-666, psd 679, H nonconc, conf 1067, rep adop 1204, 1243, enr 1269 (Chapter 219)
- HB 1291-FN**, restoring certain permanent classified positions in the public utilities commission and making an appropriation therefor. (Finance)
145, K 960
- HB 1295-FN-A**, appropriating oil overcharge funds. (Internal Affairs)
550, psd 621, 640, enr 777 (Chapter 67)
- HB 1299-FN**, relative to enhanced sentences for "hate crimes". (Judiciary)
550, psd 719-720, 779, enr 936 (Chapter 68)
- HB 1300**, relative to financing for community facilities of nonprofit community providers and relative to bonds and notes used to fund housing authority projects. (Public Affairs)
550, psd 903-904, 940, enr am 1119, enr 1181 (Chapter 220)
- HB 1301-FN**, creating a committee to study the passenger motor vehicle insurance market in New Hampshire. (Insurance)
550, am 814-816, psd 838, recon notice 851, recon & psd 936-937, 940, H nonconc, conf 1071, rep adop 1151-1152, 1243, enr 1268 (Chapter 221)
- HB 1304-FN**, establishing a committee to study mobile health care units. (Public Institutions/Health & Human Services)
New title: establishing a committee to study mobile health care units, making certain appropriations, relative to possession of drugs while driving, and transferring funds within the board of nurses registration.
427, am & Finance 732-734, am 1094-1099, rules suspended & psd 1100, H nonconc, conf 1115, rep adop 1223, new conf rep adop 1232-1233, 1242, enr am 1255-1256, enr 1272 (Chapter 222)
- HB 1309**, authorizing the Gunstock Area to draw water from Lake Winnepesaukee for snow-making. (Development, Recreation and Environment)
New title: relative to a public trust grant for the Gunstock Area ski resort's snowmaking.
550, am 802-804, psd 837, H conc 992, enr 998 (Chapter 144)

- HB 1310-FN**, allowing group I members to purchase out-of-state service as creditable service in New Hampshire retirement system and relative to the participation of certain organizations in the New Hampshire retirement system. (Insurance)
New title: allowing group I members to purchase out-of-state service as creditable service in New Hampshire retirement system, relative to the participation of certain organizations in New Hampshire retirement system, and relative to the city of Berlin retirement system.
550, LT 816-817, am 932-934, psd 940, H conc 994, enr am 1183, enr 1270 (Chapter 223)
- HB 1312-FN**, relative to employee prescription drug benefits and health care centers. (Public Institutions/Health & Human Services)
550, study 828-829
- HB 1315-FN**, relative to child support guidelines. (Judiciary)
New title: relative to child support guidelines and to guardians ad litem appointed in marital cases.
276, LT 666-667, am 764-766, psd 779, H conc 1007, enr 1180 (Chapter 224)
- HB 1316-FN**, relative to the uniform reciprocal enforcement of support act. (Judiciary)
275, psd 626-627, 640, enr 777 (Chapter 69)
- HB 1319**, authorizing the use of emergency lights for private vehicles of hospital emergency personnel. (Transportation)
550, psd 869, 939, enr 996 (Chapter 107)
- HB 1321-FN**, establishing a study committee to determine the feasibility of commercial shell fishing. (Development, Recreation and Environment)
New title: requiring the fish and game department to submit a shellfish management plan.
145, am 589-590, psd 596, H conc 840, enr 996 (Chapter 108)
- HB 1324-FN**, creating a joint legislative committee with the state of Maine to study the Piscataqua River basin. (Interstate Cooperation)
430, psd 826, 838, enr 964 (Chapter 85)
- HB 1326-FN**, relative to the sale or lease of certain institutional lands. (Internal Affairs)
550, K 822
- HB 1331-FN-A**, relative to the position of the deputy insurance commissioner and the establishment of the position of actuary and making an appropriation therefor. (Executive Departments)
550, rcmt 613, psd 867-868, 939, recon & Finance 941-942, K 1055
- HB 1332-FN**, establishing a committee to study the personnel problem in long-term health care facilities. (Public Institutions/Health & Human Services)
164, am & Finance 572-573, LT 960-961, am 979-984, psd 999, H nonconc, conf 1067, rep adop (K) 1204, 1243
- HB 1334-FN**, relative to telephone utilities service territories. (Interstate Cooperation)
276, psd 826, 838, enr 999 (Chapter 109)
- HB 1339**, requiring public utilities to offer an alternative to herbicide spraying over rights-of-way. (Development, Recreation and Environment)
276, psd 560-561, 579, enr 638 (Chapter 27)
- HB 1341**, establishing a maximum speed limit on the Piscataquog River in the town of Goffstown and the city of Manchester. (Transportation)
276, am 577-578, psd 580, H conc 840, enr am 994, enr 1120 (Chapter 145)
- HB 1343-FN**, establishing a study committee on private contract prison systems. (Capital Budget)
276, LT 947-948, am 984-987, psd 999, H conc 1007, enr 1267 (Chapter 225)
- HB 1344**, relative to least cost planning by electric utilities. (Internal Affairs)
430, am 822-823, psd 838, H nonconc, conf 989, rep adop 1215-1216, 1243, enr 1268 (Chapter 226)

- HB 1346-FN**, to restore medical benefits. (Executive Departments)
145, K 648-649
- HB 1347-FN-A**, relative to quality assurance records of community mental health programs. (Public Institutions/Health & Human Services)
164, am 829-830, psd 838, H nonconc, conf 1069, rep adop (K) 1205, 1242
- HB 1348-FN-A**, relative to access to health care for the uninsured and making an appropriation therefor. (Insurance)
New title: establishing a committee to oversee the preliminary steps in the creation of an access to health care program and making an appropriation therefor.
550, am & Finance 715-719, psd 979, 999, H conc 1007, enr 1180 (Chapter 227)
- HB 1350-A**, increasing the appropriation for constructing regional vocational education centers. (Education)
550, K 818-819
- HB 1351**, relative to employment termination. (Public Affairs)
550, K 904
- HB 1353-FN**, relative to the oversight committee on health and human services. (Public Institutions/Health & Human Services)
New title: relative to the oversight committee on health and human services, and relative to licensure of certain food service establishments.
550, am 734-737, psd 779, H nonconc, conf 989, rep adop 1216-1217, 1243, enr 1270 (Chapter 228)
- HB 1354-FN**, relative to boat registrations. (Development, Recreation and Environment)
161, am 682-689, psd 779, H conc 993, enr am 1256-1257, enr 1272 (Chapter 229)
- HB 1357**, relative to the rulemaking authority of the commissioner of environmental services. (Development, Recreation and Environment)
164, am 804-805, psd 837, H conc 994, enr 1180 (Chapter 230)
- HB 1359-FN**, relative to regional vocational education. (Education)
161, psd 562-563, 579, enr 638 (Chapter 28)
- HB 1360-FN**, relative to the regulation of private detectives. (Executive Departments)
550, psd 649-650, 679, recon notice 680, enr am 996, enr 1120 (Chapter 146)
- HB 1364**, relative to energy conservation standards in new building construction. (Capital Budget)
430, psd 948, 966, enr am 995-996, enr 1120 (Chapter 147)
- HB 1367-A**, establishing a committee to review the architects' proposals, site location, and costs of a new Rockingham county superior court building. (Public Affairs)
164, am, Finance & com changed 729-730, am (RC) 1081-1094, rules suspended & psd 1100, H nonconc, conf 1115, rep adop 1205-1207, rep rej H, nonconc new conf req 1222-1223
- HB 1370**, relative to a statement of consideration on deeds and other matters concerning the transfer of real estate. (Public Affairs)
New title: relative to a statement of consideration and other matters concerning the transfer of real estate.
275, am 904-907, psd 940, H nonconc, conf 1072, rep adop 1152-1154, 1243, enr 1268 (Chapter 231)
- HB 1371-FN-A**, relative to the state's purchase of the Coos county courthouse and making an appropriation therefor. (Capital Budget)
551, am 948-949, psd 966, H nonconc, conf 1071-1072, rep adop 1207-1208, 1243, enr 1268 (Chapter 232)
- HB 1372**, relative to interim rules under the administrative procedure act. (Executive Departments)
276, psd 806, 837, enr 964 (Chapter 86)
- HB 1375-FN**, relative to impact fee legislation. (Executive Departments)
427, K (RC) 841-851, recon rej 938

- HB 1376-FN**, relative to public water rights report and advisory committee. (Development, Recreation and Environment)
New title: relative to a public water rights report and legislative study committee.
 551, LT 805, am 929-932, psd 940, H conc 993, enr 1119 (Chapter 148)
- HB 1379-FN**, relative to notice given to affected municipalities concerning effluent discharges. (Development, Recreation and Environment)
 551, am 805-806, psd 837, H conc 993, enr 1180 (Chapter 248)
- HB 1382-FN-A**, relative to the judicial vesting and retirement committee and making an appropriation for an actuarial study of judges. (Executive Departments)
 551, Finance 650, am 1055-1058, rules suspended & psd 1058, H nonconc, conf 1117, rep adop (K) 1179, 1243
- HB 1383-FN**, relative to drug and alcohol education, prevention, and student assistance counseling and referral programs. (Public Institutions/Health & Human Services)
 551, K 737
- HB 1384**, relative to use of genetic test results as evidence in paternity proceedings. (Judiciary)
 430, psd 897-898, 939, enr 997 (Chapter 149)
- HB 1385-FN-A**, to make technical corrections in the retirement system laws and making an appropriation for the director of finance. (Insurance)
New title: to make technical corrections in the retirement system laws and making an appropriation for the director of finance, and relative to eligibility for membership in the New Hampshire retirement system.
 551, am 616-618, psd 639, H nonconc, conf 1067, rep adop 1208-1209, 1243, enr 1267 (Chapter 249)
- HB 1386-FN**, relative to child support enforcement. (Judiciary)
 551, am & Finance 720-721, psd 961, 966, H conc 1007, enr 1180 (Chapter 250)
- HB 1387-FN**, relative to protecting the quality of surface waters. (Development, Recreation and Environment)
 551, study 689
- HB 1389-FN-A**, relative to the taxation of banks. (Ways & Means)
New title: relative to the taxation of banks and relative to the communications services tax and making an appropriation therefor.
 164, am & Finance 754-756, am 1058-1061, rules suspended & psd 1063, H conc 1121, enr 1120 (Chapter 101)
- HB 1390-FN-A**, to impose a communications services tax and making an appropriation therefor. (Ways & Means)
 428, am, rules suspended, recon rej & psd 488-494, H conc 544, enr 545 (Chapter 9)
- HB 1394-FN**, relative to the election of optional retirement allowances. (Insurance)
 551, am 817-818, psd 838, H conc 994, enr 1180 (Chapter 251)
- HB 1397-FN**, relative to hiring a toxicologist to perform drug testing and making an appropriation therefor. (Public Institutions/Health and Human Services)
 551, K 737-738
- HB 1404-FN-A**, establishing a study committee on shoreland protection and standards for such protection. (Development, Recreation and Environment)
 164, am 612-613, psd 639, H conc 992, enr 998 (Chapter 150)
- HB 1405-FN-A**, relative to sludge and septage management programs. (Development, Recreation and Environment)
New title: relative to sludge and septage management programs and making an appropriation therefor, and relative to the oil discharge and disposal clean up fund.
 551, am & Finance 689-691, am 1061-1063, rules suspended & psd 1063, H nonconc, conf 1116, rep adop 1154-1156, 1243, enr am 1257-1258, enr 1272 (Chapter 252)

- HB 1406-FN**, relative to the definition of hazardous waste and the hazardous waste cleanup fund and establishing a committee to study medical waste. (Development, Recreation and Environment)
551, am & Finance 691-693, am 1063, rules suspended & psd 1063-1064, H conc 1121, enr am 1261, enr 1270 (Chapter 253)
- HB 1409-FN**, relative to workers' compensation and making an appropriation therefor. (Insurance)
551, am & Finance 652-658, am 1064-1065, rules suspended & psd 1075, H nonconc, conf 1116, rep adop 1156, 1243, enr 1272 (Chapter 254)
- HB 1410-FN**, relative to recodifying the liquor laws and standardizing licensing and fee requirements. (Ways & Means)
145, am 756-764, recon rej 778, psd 779, H nonconc, conf 988, rep adop 1209-1212, 1243, enr 1272 (Chapter 255)
- HB 1414**, relative to committee members of the state conservation committee. (Development, Recreation and Environment)
276, psd 590, 596, enr 639 (Chapter 43)
- HB 1415**, relative to OHRV safety and training. (Transportation)
551, am 870, psd 939, H conc 993, enr 1180 (Chapter 256)
- HB 1418-FN**, relative to licensing of child day care, residential care, and child-placing agencies. (Public Institutions/Health & Human Services)
551, am 674-678, psd 680, H conc 1007, enr am 1259-1260, enr 1270 (Chapter 257)
- HB 1419**, relative to the Monadnock advisory commission. (Public Affairs)
276, am 907-908, psd 940, H conc 993, enr 1267 (Chapter 258)
- HB 1422-FN**, permitting tinted glass in motor vehicle windshields and side windows for medical reasons. (Transportation)
551, psd 594, 597, enr 638 (Chapter 44)
- HB 1424-FN**, regulating abortions. (Judiciary)
430, announcement re am 678, am (RC) 871-885, recon rej 938, psd 939, H conc 968, enr 999, H sustained veto 1121
- HB 1426-FN**, relative to surrogacy. (Judiciary)
551, psd 721-725, recon rej & psd 779, enr 964 (Chapter 87)
- HB 1427-FN**, relative to the recycling logo. (Development, Recreation and Environment)
427, Finance 693, psd 961, 966, enr 997 (Chapter 151)
- HB 1429**, relative to excavation, quarrying, and mining. (Development, Recreation and Environments; Vacated to Internal Affairs 3/6/90)
430, com changed 553, K 706
- HB 1431-FN**, relative to the board of registration in medicine and the pharmacy board. (Executive Departments)
552, am 613-616, psd 639, H nonconc, conf 1071, rep adop (K) 1212, 1242
- HB 1432-FN**, relative to the New Hampshire rivers management and protection program. (Development, Recreation and Environment)
430, am 852-859, psd 939, H nonconc, conf 1069, rep adop 1156-1160, 1244, enr am 1257, enr 1272 (Chapter 233)
- HB 1438**, relative to goals and objectives for reduction of solid waste. (Development, Recreation and Environment)
552, LT 859-863, am 927-929, psd 940, H nonconc, conf 1071, rep adop 1160-1161, 1244, enr am 1257, enr 1272 (Chapter 234)
- HB 1439-FN**, relative to the reimbursement to the state for certain services rendered at race tracks. (Finance)
New title: relative to the reimbursement to the state for certain services rendered at race tracks and unclaimed ticket money.
275, am 1065-1066, rules suspended & psd 1075, H nonconc, conf 1116, rep adop 1161-1162, 1244, enr 1268 (Chapter 259)

- HB 1441-FN**, relative to medicaid fraud. (Judiciary)
164, LT 667, am 767-769, psd 779, H nonconc, conf 990, rep adop 1212-1214, 1242, enr 1270 (Chapter 260)
- HB 1442**, relative to gasoline franchise contracts for disposal of used motor oil. (Transportation)
427, psd 836, 838, enr 964 (Chapter 88)
- HB 1500-A**, relative to adjustments to the operating budget for fiscal year 1990 and fiscal year 1991. (Finance)
271-272, am & LT 293-411, am, rules suspended, recon rej & psd 495-537, H conc 544, enr 546 (Chapter 1)
- HB 1501-FN-A**, relative to state revenues and expenditures. (Ways & Means)
New title: relative to state revenues and expenditures and relative to certain general fund fees and revenues.
277, am, rules suspended, recon rej & psd 431-457, H conc 544, enr 545 (Chapter 3)
- HB 1502-FN-A**, increasing the beer tax. (Ways & Means)
New title: to increase the beer tax for the biennium ending June 30, 1991.
428, am, rules suspended, recon rej & psd 457-459, H conc 543, enr 545 (Chapter 4)
- HB 1503-FN**, relative to certain general fund fees and revenues and certification of wastewater treatment plant operators. (Ways & Means)
428, am 471-488, psd 544, recon notice 552, H nonconc, conf 989, rep adop (K) 1214
- HB 1504-FN-A**, increasing the tobacco tax. (Ways & Means)
428, psd 494, enr 545 (Chapter 5)
- HB 1505-FN-A**, relative to motor vehicle road tolls and fees and a gasoline floor tax. (Ways & Means)
428, am, rules suspended, recon rej & psd 459-460, H conc 543, enr 546 (Chapter 10)
- HB 1506-FN**, relative to state employee layoffs. (Joint assignment to Executive Departments and Finance)
New title: relative to state employee layoffs, classified state employees, the rulemaking authority of the commissioner of environmental services, changing revenue estimates, and establishing a waste reduction and recycling program.
rules suspended & intro 1111, am, rules suspended & psd 1122-1129, recon, am & LT 1184-1188, am, rules suspended & psd 1244-1249, H conc 1249, enr am 1250-1251, enr 1271 (Chapter 261)

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- HCR 11**, relative to rural hospitals. (Public Institutions/Health & Human Services)
552, adop 915, 940
- HCR 12**, relative to the AIDS virus. (Public Institutions/Health & Human Services)
552, adop 915-916, 940
- HCR 13**, to protect and preserve the tenth amendment to the United States Constitution. (Judiciary)
145, am 627-631, adop 640, H nonconc, conf 990, rep adop (K) 1217, 1242
- HCR 15**, supporting multi-cultural and multi-ethnic education for New Hampshire students. (Education)
427, adop 590-591, 596
- HCR 18**, urging a statewide conference on families. (Public Institutions/Health & Human Services)
430, am 916-917, adop 940, H conc 994
- HCR 20**, adopting joint rules for the 1990 session.
intro & adop 17-18, 62

CONSTITUTIONAL AMENDMENT**CONCURRENT RESOLUTIONS**

CACR 23, relating to sweepstakes revenues distribution. Providing that all moneys received from any state-run lottery, and all the interest received thereon, shall be used for educational purposes only. (Ways & Means)
164, adop 595, 597, enr 637

CACR 25, relating to the membership of the senate. Providing that the senate shall consist of 48 members. (Internal Affairs)
277, K 823-825

CACR 26, Relating to revenue base sharing. Providing that each year at least 50 percent of all general fund revenues resulting from any new taxes and increases in rates of existing taxes be returned to the cities, towns, school districts, and counties to assist in property tax relief. (King et al - To Ways and Means)
13, K 206-207

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